

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

203

CRM-M-49272-2019 (O&M)

Date of Decision: 03.08.2021

Sudarshan Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vinod Ghai, Senior Advocate, with
Mr. J.S.Mehndiratta, Advocate, and
Mr. Edward Augustine George, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurjinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.103 dated 20.10.2017 at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur, under Sections 420/465/468/471/120-B IPC.
2. The allegations, in nutshell, are that during the course of partition proceedings in respect of land, which was co-owned by the petitioner, a *naksha 'jeem'* was presented before the revenue court, which was alleged to be forged having fake signatures of Satwant Singh, Kanungo.

3. At the time of issuance of notice of motion, the following order was passed by this Court on 20.11.2019:

“Learned counsel for petitioner submits that the dispute raised by the complainant is that fake *naksha* 'zeem' was submitted before the revenue court during partition proceedings. In fact that *naksha* was prepared by the concerned *Patwari* under the supervision of area *Kanugo*. Even otherwise the petitioner had purchased the adjoining land after order of partition dated 24.2.2014. In appeal, the order of partition has been set aside and the case was remanded. The petitioner has withdrawn his application seeking partition.

Notice of motion for 5.3.2020.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

4. Learned Senior counsel for the petitioner submits that during the course of investigation, the statements of the *Patwari Halqa*, namely, *Pargat Singh* as well as of *Naib Tehsildar*, namely, *Surinderpal Singh Pannu* had been recorded, which have been annexed as Annexures P-9 & P-10, wherein they have admitted their signatures on the document in question. It has further been submitted that although the statement of the concerned *Kanungo* has not been recorded, but as per report of the *FSL*, no definite opinion could be expressed as regards his signatures.

5. On the other hand, learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
6. Having regard to the aforestated position wherein this Court finds that the matter is mainly based on documentary evidence and that the petitioner has already joined investigation and that the Halka Patwari and Naib Tehsildar have admitted their signatures, the custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 20.11.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

03.08.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**