

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52173-2019 (O&M)
Date of Decision: 10.09.2021

Davinder Singh Bhatti

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Jasneet Mehra, Advocate, for
Mr. L.M. Gulati Advocate, for the petitioner.

Mr. H.S. Multani, DAG, Punjab
assisted by ASI Gurvinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.61 dated 12.11.2019 at Police Station Verka, District Amritsar, under Sections 420/465/466/467/468/471/120-B IPC.
2. The FIR was lodged at the instance of Davinder Singh, wherein it is alleged that his grand-mother Mohinder Kaur had passed away on 20.01.1985 and she was having land measuring about 1 acre in her name. It is alleged that while the complainant's father wanted the said land to remain with the maternal family of the complainant, but the complainant's *bua* (father's sister) namely Manjit Kaur and her son Sarabjit Singh wanted a share out of the said property. It is alleged that Manjit Kaur and her son prepared a forged death certificate on

05.09.2013 in connivance with Patwari Jagjit Singh and Numberdar Bhajan Singh and got the land of complainant's grandmother Mohinder Kaur transferred on the basis of a 'Will' in the name of 5 persons. It is further alleged that Patwari Jagjit Singh in connivance with other accused and for the purpose of covering the fraud made a wrong entry in the revenue record on 25.11.2013 and got the forged death certificate issued and that Numberdar Bhajan Singh had also connived with them.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and he is merely working as a Clerk-cum-Helper in the office of Municipal Corporation and was performing his duties diligently and has been implicated falsely in order to shield his superiors and has, thus, been made a scapegoat.
4. Opposing the petition, learned State counsel has submitted that since the petitioner had been handling the matters pertaining to death certificates, his complicity is clearly evident. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that his custodial interrogation is not required.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of this case particularly the fact that the petitioner has already joined investigation and the case is mainly based on documentary evidence, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 10.12.2019 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.

10.09.2021

(GURVINDER SINGH GILL)

VY

JUDGE

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