

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

CRM-M No.30090 of 2022

Date of Decision: 11th October, 2022

Virender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present :- Mr. Surender Pal, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate
General, Haryana.

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MEENAKSHI I. MEHTA, J.(ORAL)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.0430 dated 23.11.2021 registered at Police Station Barauda, District Sonipat, under Sections 420, 467, 468 and 471 IPC, the petitioner has preferred the instant petition to seek the relief of anticipatory/pre-arrest bail.

2. Bereft of unnecessary details, the allegations as levelled by informant Yashbir Singh in the present case, are that he was a co-sharer in the land measuring 115 kanals 03 marlas situated in Village Nuran Khera, Tehsil Gohana, District Sonipat and by virtue of the family partition, he had been cultivating the land comprised in Killa No.86//14/2. The petitioner, who is his real brother, got an electric connection released for the land comprised in said Killa No. in connivance with the SDO,

UHBVNL-City Sub Division, Gohana, by forging his (informant's) as well as the other co-sharers' signatures on the requisite documents.

3. Status-report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Gohana, Sonipat) has already been filed.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner is not the beneficiary of the said electric connection and none of the co-sharers, except the informant, has ever raised any objection qua the same and even otherwise, the documents, as submitted for the purpose of the release of the said electric connection, had been prepared by the cousin brother of the petitioner named Kulbir Singh and thus, the petitioner had no role to play in the alleged crime and in these circumstances, he deserves the relief as prayed for in the instant petition.

6. Per-contra, learned State counsel argues that the petitioner got the electric connection in question released in his own name by forging the signatures of all the stake-holders/concerned persons, on the documents submitted by him with the concerned department for this purpose and keeping in view the nature of the offence as committed by him, the present petition be dismissed.

7. It is worth-while to mention here that vide the order dated 15.07.2022, the petitioner had been extended the relief of interim bail with

the direction to join in the investigation. However, it has categorically been mentioned in the order dated 09.09.2022 passed by the Co-ordinate Bench that learned State counsel had informed the Court on that day that though the petitioner had joined in the investigation but he did not co-operate with the Investigating Agency. A perusal of the Questionnaire, containing the queries put to the petitioner during the investigation, reveals that in respect of questions No.7, 8, 10, 12 and 14, he has evaded to give any specific and candid answers while feigning ignorance qua the facts mentioned therein.

8. Concededly, the electric connection under reference has been released in the name of the petitioner and therefore, it does not lie in his mouth to contend that he is not the beneficiary thereof. Rather, this fact makes his version regarding the said documents having been prepared by his cousin brother Kulbir Singh quite improbable and doubtful. The question as to whether any other co-sharer, besides the informant, was having any objection for the release of the said electric connection in favour of the petitioner or not, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be decided at the stage of dealing with this bail petition.

9. To add to it, it has categorically been mentioned in Para No.6 of the status-report that the record qua the admitted hand-writing and signatures of the petitioner is yet to be collected for the comparison thereof

with the disputed signatures and that his custodial interrogation is required to elicit the information regarding the alleged crime and the *modus-operandi* adopted by him as well as about the complicity of other persons in the crime.

10. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offences as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed.

11. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

11.10.2022
seema

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>