

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

CRM-M-33120-2020 (O&M)

Date of Decision: 26.07.2022

Surender Singh Deshta @ Surender Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Parvinder Singh, Advocate,
for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab,
assisted by ASI Sukhdev Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.36 dated 26.02.2020 at Police Station Sadar Kapurthala, Kapurthala, under Sections 419/420/465/467/468/471 & 120-B IPC.
2. The FIR in question was lodged at the instance of Deepika, wherein allegations have been raised mainly against her husband and father-in-law to the effect that they had forged a rent agreement showing the same to have been executed by the complainant.
3. Learned counsel for the petitioner has submitted that the petitioner is a Notary Public, who had attested the rent deed after the executant had been duly identified by Mr. S.K.Sharma, Advocate. It has further been submitted that the petitioner in any case cannot be said to be a beneficiary. It has also been submitted that the matter is mainly based on

documentary evidence and as such, the petitioner deserves the concession of anticipatory bail.

4. At the time of issuance of notice of motion on 16.10.2020, the following order was passed:

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Counsel for the petitioner submits that the petitioner is a Notary registered with the Government of Himachal Pradesh. According to the counsel, the sole allegation against the petitioner is that he had notarized the rent agreement in dispute which is said to have been forged by co-accused, Kewal Krishan Khanna. Reliance has been placed upon the order dated 25.09.2020, CRM-M-28607-2020, **Jatin Khanna Vs. State of Punjab**, Annexure P-5 and order dated 30.09.2020, CRM-M-30397-2020, **Kewal Krishan Khanna Vs. State of Punjab**, Annexure P-6, whereby co-accused have been granted interim bail by this Court.

Notice of motion.

On the asking of the Court, Mr. A.A. Pathak, Addl. A.G. Punjab, accepts notice on behalf of the State.

List this matter on 12.01.2021.

To be heard with CRM-M-28607-2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

5. 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.

6. Having regard to the aforestated position, wherein the petitioner is stated to be a Notary Public, who had attested the rent agreement based on the identification made by Mr. S.K.Sharma, Advocate and while also bearing in mind that the petitioner in any case has already joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 16.10.2020 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.

26.07.2022

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(GURVINDER SINGH GILL)
JUDGE

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