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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.38447 of 2021 (O&M)
Decided on: 20.01.2022

Sukhdev Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rajesh Bhatheja, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.97 dated 07.06.2021, registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Sadar Ludhiana, District Police Commissionerate Ludhiana.

The operative part of the order dated 11.10.2021, vide which the arrest of the petitioner was stayed, is reproduced as under:-

“...FIR was lodged on the complaint of one Anita Rani, who has alleged that she had purchased two plots bearing Nos.939 and 940 each measuring 200 sq yds vide sale deed dated 04.03.2002 and 05.03.2002 respectively. She sold plot No.940 to Sukhvir Singh Jassar vide sale deed dated 21.07.2020. She wanted to sell the other plot No.939 as well. When she went to the Halqa Patwari, she learnt that one Gurjot Singh was trying to get the mutation recorded in respect of plot Nos.939 and 940 in his name. The complainant later learnt that the petitioner in connivance with co-accused Sant Ram and Bhushan Jain had got prepared fake power of attorney dated 01.06.2003 in his favour. It is alleged that the complainant had never given any power of attorney to the petitioner. The

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petitioner on the basis of forged power of attorney sold both the plots to Gurjot Singh on 30.09.2020.

The case of the petitioner is that he has lost original power of attorney and that he obtained an attested copy (P.2) of the original power of attorney bearing Vasika No.1900 from a Suvidha Centre by filing an application. A copy of the documents' register as obtained by the petitioner is annexed as Annexure P.4.

The case of the prosecution is that during investigation, statement of one Kuldeep Singh, Clerk from the office of Deputy Commissioner was recorded. Said Kuldeep Singh stated that on checking the record in relation to supply of certified copy of Vasika No.1900, he found that the Vasika was not registered in the record. He further stated that even the certified copy of power of attorney of Vasika No.1900 does not bear signatures of Sh. Jagsir Singh, Sub Registrar. Investigating agency moved application dated 18.06.2021 for obtaining certified copy of Vasika No.1900 dated 06.01.2003. In response, it was reported that the record of Vasika No.1900 was not available. Investigating Officer also recorded statement of Karamjit Kaur, who allegedly had sold the stamp paper on which power of attorney was alleged to be executed. Karamjit Kaur stated that she possessed License No.120/L for sale of stamps and that the said licence was valid only till 31.03.2000. Thereafter, some one else had stamped the said document after forging her stamp. She further stated that Stamp No.56150 dated 13.11.2002 does not bear her signatures.

Learned counsel for the petitioner contends that the report relied upon by the Investigating Officer has been obtained from the office of Sub Registrar, West whereas the power of attorney executed in favour of the petitioner has been registered in the office of Sub Registrar, East.

On the contrary, learned counsel for the complainant asserts that the signatures of the complainant on the alleged power of attorney as also agreement to sell have been forged.

In view thereof, the respondents are directed to get the records of the said power of attorney verified from the office of Sub Registrar, East, Ludhiana.

Adjourned to 02.11.2021.

Till the next date of hearing, arrest of the petitioner shall remain stayed....”

Counsel for the petitioner has submitted that, in pursuance

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to the order dated 11.10.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from 11.10.2021, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above and considering the fact that the petitioner has joined the investigation and as per the order dated 11.10.2021, the State has filed a reply stating therein that the Sub-Registrar, Ludhiana (East) has intimated that Vasika No.1900 dated 06.01.2003, is not available in the office record.

Be whatsoever, since the record pertains to the year 2003 and it is not the case that the same was registered rather it is stated by the Sub-Registrar, Ludhiana (East) that the record is not available, may be, being an old record, this petition is allowed and the order dated 11.10.2021 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to issue a notice in writing to the petitioner, to join the further investigation, if need be.

(ARVIND SINGH SANGWAN)
JUDGE

20.01.2022
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Whether speaking/reasoned Yes/No

Whether reportable: Yes/No