

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

CRM-M No.45697 of 2021

Date of Decision: 11-01-2022.

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr. Kanwaljit Singh Senior Advocate with
Mr. Ajaivir Singh, Advocate,
for the petitioner.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab.

Mr. Hardik Ahluwalia, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arising out of the FIR bearing No.59 dated 17.09.2021 registered at Police Station Block Majri, District S.A.S.Nagar, under Sections 419, 420, 465, 466, 467, 468, 471 & 120-B IPC and Section 82 of the Registration Act, 1908, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled in the subject FIR, are that the sale deed bearing No.1879 dated 29.09.2017 (for short 'the first sale deed') was executed by one Kahna Singh in favour of the co-accused of the petitioner named Harjit Singh in respect of the land measuring 6 kanals 4 marlas situated in Village Burana and the

petitioner and his another co-accused named Sarabjit Singh were the attesting witnesses to the same. Then on 09.11.2017, said accused Harjit Singh executed and got registered one sale-deed in respect of the same land in favour of his co-accused Jarnail Kaur and Manjit Kaur who happen to be the mother and '*chachi*' (the wife of the paternal-uncle) of accused Sarabjit Singh. Complainant-Ramandeep Singh moved a complaint to the Sub Divisional Magistrate, Kharar, alleging therein that the first sale-deed had been got fraudulently executed and registered by impersonating the said vendor, i.e Kahna Singh. During the enquiry in respect thereof, it was revealed that the Voter Identity Card of vendor Kahna Singh, as presented at the time of the registration of the first sale-deed, was a fake one and the said vendor was also not found to be the resident of Village Hassanpur or Burana.

Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Sub Division Kharar-II, District SAS Nagar (Mohali).

I have heard learned Senior counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the present petition and have also perused the file thoroughly.

Learned Senior counsel for the petitioner has contended that the petitioner happens to be the attesting witness to the first sale-deed as executed by vendor Kahna Singh in favour of his (petitioner's) co-accused Harjit Singh and the petitioner had no role to play in the said sale transaction beyond that but he has been falsely arraigned as an accused in

the said FIR and in these circumstances, he deserves the relief as prayed for in the instant petition.

Per-contra, learned State counsel has argued that the petitioner, being an attesting witness to the first sale-deed, must be having accurate/correct knowledge about the actual identity of the afore-named vendor but the Voter Identity Card of the vendor, as annexed with this sale-deed, has been found to be a forged/fake one and thus, the petitioner has also actively participated in the crime and keeping in view the gravity of the same, this petition be dismissed.

A bare perusal of the first sale deed Annexure P-3 reveals that a specific note has been appended in the concluding part thereof to the effect that the Voter Identity Card of the seller, i.e Kahna Singh, who was identified by witness No.2, i.e the petitioner, was enclosed as the proof of his (vendor's) identity. In these circumstances, the petitioner is supposed to be well aware of the true identity of the person appearing before the Joint Sub Registrar as the vendor at the time of registration of the first sale-deed and it being so, the possibility of the requirement of his custodial interrogation to elicit the truth in respect thereof, cannot be ruled out.

Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence 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 bail. Resultantly, the petition in hand stands dismissed accordingly.

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.

(MEENAKSHI I. MEHTA)
JUDGE

11-01-2022.
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No