

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

CRM-M-41887-2022

Date of Decision: 13.09.2022

Sukhpal Singh Khipal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Shweta Sharma, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

Mr. Amaninder Preet, Advocate,
for the complainant Gurmandir Singh.

Mr. Virender Soni, Advocate,
for the victim Surender Gera.

Mr. Vikram Satpal Anand, Advocate,
for Jasraj Singh.

VIKAS BAHL, J. (Oral)

1. This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 41, dated 11.05.2022, under Sections 419/420/467/468/471/120-B of the Indian Penal Code, 1860, registered at Police Station City Morinda, District Rupnagar.
2. Learned counsel for the petitioner has submitted that the petitioner has friendly relations with co-accused Radhey Soni and it was therefore in good faith that co-accused Radhey Soni had taken the petitioner along for the registration of the GPA in question and the said Radhey Soni had not disclosed to the petitioner that the petitioner was to

impersonate Surender Gera. It is further submitted that Radhey Soni is the main accused in the present case and he has already been arrested. It is submitted that there is no proof of any money having been paid by Radhey Soni to the present petitioner for appearing before the Registrar in place of said Surender Gera. Learned counsel for the petitioner has submitted that the co-accused Maninder Singh, who was an attesting witness, has been granted the concession of anticipatory bail by this court.

3. Learned State counsel, counsel for the complainant, Gurmandir Singh, as well as counsel for the victim, Surender Gera and counsel for Jasraj Singh, have all opposed the present petition for anticipatory bail and have stated that a fraud has been committed in the present case inasmuch as, the petitioner had impersonated as Surinder Gera and had executed a General Power of Attorney of his property in favour of co-accused Radhey Soni, who had further sold the property to Jasraj Singh Longia. It is submitted that on account of the said fraudulent act of the petitioner and said Radhey Soni, Surender Gera, as well as Jasraj Singh Longia have suffered irreparable loss and they are now locked in litigation. Surinder Gera has not got any consideration and his property has been sold fraudulently. It is further submitted that in the present case, there is neither any fault of the attesting witnesses, nor of the Tehsildar who had registered the documents after seeing the forged Aadhar card prepared by the petitioner and Radhey Soni.

4. This court has heard learned counsel for the parties and has perused the paper book.

5. The FIR in the present case had been registered on the complaint made by the Tehsildar to the effect that a forged/fake General Power of Attorney had been got executed by Radhey Soni, by making a person impersonate and stand in place of Surender Gera and after the registration of the said GPA, the said Radhey Soni had further sold the property in question to Jasraj Singh Longia on the same date, i.e. 28.04.2022. As per the case of the prosecution, the present petitioner was the person who had impersonated and presented himself as Surender Gera. The Aadhar card and other documents had also been forged so as to enable the present petitioner to impersonate as Surender Gera. From the allegations levelled by the prosecution and also from the averments made in paragraph 4 of the petition, it is apparent that the petitioner has played an active role in impersonating Surender Gera and executing the GPA in favour of Radhey Soni, who had further sold it to one Jasraj Singh Longia, thus, causing irreparable loss to said Surender Gera and Jasraj Singh Longia inasmuch as, Jasraj Singh Longia has already paid consideration to Radhey Soni for the property in question sold to him the title of which is under cloud now whereas Surinder Gera has not got any consideration and his property has been sold fraudulently. It has been further brought to the notice of the court that Jasraj Singh Longia has also got an FIR registered against Radhey Soni, after he become aware about the said fraud.

6. As far as the reliance sought to be placed upon the order granting anticipatory bail to co-accused Maninder Singh is concerned would be relevant to note that its the case of the prosecution itself that Aadhar card produced at the time of execution of the GPA, was

forged/fabricated and thus, the attestation done by Maninder Singh and Himanshu Pathak, was on the basis of the forged Aadhar card, as per which the petitioner was shown to be Surender Gerega and the said attesting witnesses were not aware of the said forgery, whereas on the other hand, the present petitioner had prepared the said forged Aadhar card and had knowingly impersonated Surender Gerega, and thus, the case of the petitioner is not on the same footing as that of the said witnesses. The custodial interrogation of the petitioner is required to find out as to which other persons were involved in the fraud and also to recover the forged Aadhar card and the other documents which had been prepared for carrying out the fraudulent transaction.

7. Keeping in view the above said facts and circumstances, this Court is of the opinion that the present petition deserves to be dismissed and is accordingly, dismissed.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 13, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No