

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CRM-M-43909 of 2022

Date of Decision:22.09.2022

Sukhwinder Singh, Numberdar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Manpreet Ghuman, Advocate,
for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.100 dated 13.08.2022, under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Barnala, District Barnala.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he was only attesting witness to the mortgage deed whereby a loan to the tune of Rs.12,00,000/- was taken from the bank by way of two different applications under the signatures of Kuldeep Kumar. She submitted that although the petitioner is the Numberdar of the neighbouring village, but he had signed only on the basis of Aadhar card etc. and therefore the petitioner may be considered for grant of anticipatory bail.

On the other hand, Mr. Amit Rana, learned Senior DAG, Punjab has

stated that he has received an advance copy of the present petition and has also sought instructions. He submitted that it is a case where the petitioner is a Numberdar of village Kothe Surjeetpura Sekha Road, Police Station City Barnala and being Numberdar, the petitioner is supposed to know the identity of each and every person. In the present case, it was a case of impersonation and on the basis of impersonation a mortgage deed was executed and thereafter a loan of Rs. 12,00,000/- was taken. It was only when there was a default of payment of loan then this fact came to light when the real Kuldeep Singh came into picture. He submitted that although thereafter the loan amount appears to have been repaid but that does not entitle the petitioner for the grant of anticipatory bail since such kind of practice is rampant in the State of Punjab where people stand as witnesses in the cases of impersonation. The present is a case where the petitioner is a Numberdar and he ought to have known the identity of the persons but his custodial interrogation was required not only for the purpose of ascertaining his intent in the present case and also with regard to such kind of actions undertaken by him and therefore the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for the parties.

The present is a case where the petitioner is a Numberdar of the village and he was a witness to the mortgage deed by which a loan of Rs.12,00,000/- was taken from the bank but later on the bank found that the person who had taken loan had impersonated the one person namely Kuldeep Singh who later on surfaced. The mere fact that the amount has been repaid to the bank, would not mean that any right vests in the petitioner who being a Numberdar had attested the document since the Numberdar is supposed to know the identity of

the person before being a witness and some credibility is always attached to the Numberdar for that purpose. Therefore, this Court is of the view that the arguments raised by the learned State counsel that for ascertaining the truth and for qualitative investigation for the purpose of elicitation of truth, the custodial interrogation of the petitioner is required, carries weight and cannot be ignored.

In view of the aforesaid position, this Court does not find any merit in the petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

September 22, 2022

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No