

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48802-2022

Date of Decision: 21.11.2022

Roshan Kaur and another

.... Petitioners

Versus

State of Punjab

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Amit Kumar Saini, Advocate for the petitioners.

Mr. Jaspal Singh Guru, Assistant Advocate General, Punjab.

**ASHOK KUMAR VERMA, J. (ORAL)**

Status report dated 19.11.2022, filed by way of affidavit of Sh. Rajesh Sharma, Assistant Commissioner of Police (Special Branch), Additional Charge ACP (East), Ludhiana, on behalf of respondent-State, is taken on record.

The petitioners, namely, Roshan Kaur and Harpal Singh, have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No. 0057 dated 04.06.2022 registered under Sections 419, 430, 465, 467, 468, 471 and 120-B IPC at Police Station Meharban, District Police Commissionerate, Ludhiana.

As per prosecution version, Manohar Lal, father of complainant was owner in possession of the property in dispute, who died

on 29.05.1993. Due to some clerical mistake, name of Manohar Lal, has been mentioned as Manohar Singh in the revenue records. The petitioners in connivance with their co-accused by impersonating someone as Manohar Lal/Manohar Singh, got forged power of attorney of Manohar Lal on 13.09.2017. On the basis of said power of attorney of deceased-Manohar Lal/Manohar Singh, the petitioners got transferred the property in dispute.

Learned counsel for the petitioners *inter alia* contends that the petitioners have falsely been implicated in the present FIR. They are *bona fide* purchasers of the property and had purchased the share of the property from co-accused-Balraj Singh and Dilbag Singh, who were General Power of Attorney holder of true owner, namely, Manohar Singh. No offence is made out against the petitioner as the property in question was under the ownership of one Manohar Singh son of Durga Singh who executed registered General Power of attorney in favour of Balraj Singh and Dilbag Singh and from this Balraj Singh and Dilbag Singh, some share of the property measuring 6 marlas and 10 marlas, respectively for a sale consideration of Rs.2,30,000/- and Rs.3,91,000/-was purchased by the petitioners. Learned counsel submits that the matter is of civil nature and the complainant has wrongly given criminal colour to it.

On the other hand, learned counsel for the State has vehemently opposed the grant of anticipatory bail to the petitioners.

I have heard learned counsel for the parties and gone through the record.

Keeping in view the facts and circumstances of the case and

the fact that the petitioners are subsequently *bona fide* purchasers and all the offences are triable by Magistrate, but without commenting upon the merits of the case, the present petition for anticipatory bail is allowed with a direction to the petitioners, namely, Roshan Kaur and Harpal Singh, to join the investigation. In the event of their arrest, they shall be released on bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. The petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Cr.P.C.

It is made clear, in case the petitioners fail to join the investigation, then the State could be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioners.

November 21, 2022  
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(ASHOK KUMAR VERMA)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |