

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53030-2021 (O&M)
Date of Decision:-9.5.2022

Amarjit Singh	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.B.S. Goraya, Advocate for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Amarjit Singh.

Mr. Vaibhav Sehgal, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.22 dated 24.7.2021, Police Station PS NRI, District Police Commissionerate Amritsar, under Sections 420, 467, 468, 471, 474, 255 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion on 20.12.2021, the following order was passed:

“The complainant, who is a NRI, through his father has made allegations in FIR No.22 dated 24.7.2021, Police Station NRI, District Police Commissionerate, Amritsar, under Sections 420, 467, 468, 471, 474, 255, 120-B IPC which are broadly to the effect that his family has been in possession of land in question since the year 1986 and that their possession has matured into ownership

though in revenue record land is shown to be owned by Dayal Singh s/o Faqir Singh. It is alleged that the accused on the basis of forged documents got a mutation sanctioned as regards estate of Dyal Singh s/o Fakir Singh in favour of Amar Kaur w/o Dyal Singh and thereafter on the basis of forged WILL in favour of Lakhwinder Singh, a mutation was sanctioned in Lakhwinder Singh's favour. It is further alleged that immediately after the said mutation in favour of Lakhwinder Singh, he sold the land in question by way of two sale deeds dated 24.10.2020 and another sale deed of October, 2020.

Learned counsel for the petitioner submits that he is a Numberdar of the village who had recently joined and the only role attributed to him is that he had attested the sale deeds executed by Lakhwinder Singh. Learned counsel contends that he had come into picture only after the mutation on the basis of allegedly forged documents had already been sanctioned in favour of Lakhwinder Singh and that when he had attested the sale deeds executed by Lakhwinder Singh, he had no clue whatsoever as regards the alleged forgery which had already been committed earlier by Lakhwinder Singh and others.

Notice of motion for 9.5.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

At this stage, Mr. Vaibhav Sehgal, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.”

3. Learned counsel representing the complainant has submitted that since the petitioner had attested the sale-deed in favour of Kulwant Singh and the cheques stated to be given towards consideration, were infact bogus cheques inasmuch as no such amount was ever tansferred, the complicity of the petitioner is clearly evident.
4. On the other hand, learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case. Learned State counsel has also not disputed the fact that the petitioner came to be posted as Namberdar of village after mutation had already been effected on the basis of forged documents.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was appointed as Nambardar of the village after the mutation on the basis of alleged forged documents had already been sanctioned and otherwise has joined investigation and is not stated to be required for any custodial interrogation and is stated to be having a clean record, the petition is accepted and the interim directions issued by this Court vide order dated 20.12.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

9.5.2022

pankaj

**(Gurvinder Singh Gill)
Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No