

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

(1) **CRM-M-54862-2019 (O&M)**

Harjinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-5957-2020 (O&M)**

Surinder Singh @ Shinda ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 25.7.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Veneet Sharma, Advocate for the petitioner
in CRM-M-54862-2019. .

Mr. C.S. Bakshi, Advocate for the petitioner
in CRM-M-5957-2020. .

Mr. Tanvir Joshi, AAG, Punjab.
assisted by ASI Vijay Kumar.

Mr. Bikramjit Aroura, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Harjinder Singh and Surinder Singh @ Shinda seeking grant of anticipatory bail in a case registered against them vide FIR No. 13 dated 17.10.2019 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC at Police Station NRI, Amritsar City, District Amritsar.

2. The FIR in question was lodged at the instance of Rachna Kapoor wife of Amarjit Singh wherein it is alleged that she had purchased land measuring 45 kanals 1 marla at village Burj Deva Singh, Tehsil Patti, District Tarn Taran from Ram Singh, Davinder Singh and Manjinder Singh. In the month of March, 2018 when she was in Canada, her husband received a telephone call from Patwari concerned that out of the total land purchased by them, land measuring 28 kanals 5 marlas was found to be less. Upon inquiry made by the complainant, it transpired that the land which had been sold to the complainant through Attorney Paramjit Singh had infact been sold her on the basis of a forged Power of Attorney dated 25.8.2011 and 26.8.2011 and that the original owners, who were residing in Indonesia had never executed any such Power of Attorney. While the petitioner Harjinder Singh was Nambardar who had signed on sale-deed, the petitioner Surinder Singh was nominated as an accused pursuant to a statement made by Harjinder Singh to the effect that he (Harjinder Singh) had been asked to attest the sale deed by Surinder Singh.
3. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the present case and that they cannot even be said to be beneficiary in any manner and that it would be Paramjit Singh, who on the basis of forged Power of Attorney, had sold the property, who is the real beneficiary. It has further been submitted that the petitioners otherwise have been on interim bail since the year 2019/2020 and had been associating with the investigation of the case and since the matter is mainly based on documentary evidence, they deserve the concession of bail.

4. Opposing the petition, the learned State counsel has submitted that the petitioners played a pivotal role in the entire fraud inasmuch as the forged Power of Attorney had been attested by petitioner Harjinder Singh in connivance with petitioner Surinder Singh. It has been submitted that while petitioner Harjinder Singh is Nambardar, the petitioner Surinder Singh is an ex-Sarpanch and would be knowing about the residents of the locality and they having attested Power of Attorney in favour of a fraudster were apparently hands in gloves with the said fraudster Paramjit Singh. The learned State counsel has, however, informed that pursuant to interim directions, the petitioners have joined investigation. It has, however, been submitted that the custodial interrogation of the petitioners is required.
5. I have considered rival submissions addressed before this Court.
6. It is borne out from evidence collected by police that the forged Power of Attorney was executed in favour of Paramjit Singh, on the basis of which the sale deeds in question were executed. It may here, however, be mentioned that the original owner Harbinder Singh had filed a civil Suit i.e. Civil Suit No. 75 dated 10.3.2014/28.5.2015 seeking a declaration to the effect that the plaintiff Harbinder Singh as well as proforma defendants Harvinder Kaur, Amarjit Singh and Rajinder Kaur were co-sharer in possession of land measuring 28 kanals 5 marlas and that the sale deed dated 18.5.2012 executed on the basis of two forged Power of Attorneys by Paramjit Singh were null and void. The said suit was decreed vide judgment and decree dated 6.7.2017.

7. While petitioner Harjinder Singh is the attesting witness, the petitioner Surinder Singh, as per the disclosure statement made by Harjinder Singh had persuaded Harjinder Singh to attest the sale deed. Though, the allegations do *prima facie* point towards the complicity of the petitioners but this Court finds that it is a case based mainly on documentary evidence and the petitioners, who have been on interim bail since the last more than 2 years, have already joined investigation. In these circumstances, this Court is of the opinion that the instant case is not such where custodial interrogation of the petitioners would be required.
8. Both the petitions, as such, are accepted and the interim directions issued by this Court vide order dated 20.12.2019 (in petitioner Harjinder Singh's case) and 11.2.2020 (in petitioner Surinder Singh's case) are hereby made absolute subject to the condition that the petitioners shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. A photocopy of this order be placed on the file of connected case.

25.7.2022

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