

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4582-2023 (O&M)

Date of decision : 9.2.2023

Dinesh Kumar

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab

KARAMJIT SINGH, J.

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.140 dated 15.11.2022 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Bhogpur, District Jalandhar Rural.

The allegations in nutshell are that Gurmej Singh husband of complainant Krishna Devi was owner of the property in question but he died in 2015; that before registration of the present FIR, the complainant came to know that some unknown person by impersonating himself as Gurmej Singh sold the said property through registered sale deed dated 18.4.2022 in the name of co-accused Soffi Gangar wife of Amandeep Singh Gangar and the sale deed was attested by Sukhwinder Singh, Numberdar and Harmanpreet Singh and was scribed by Charanjit Singh Sodhi, Deed Writer. During the investigation, it was found that the present petitioner posed himself as

Gurmej Singh at the time of the aforesaid sale deed dated 18.4.2022.

Counsel for the petitioner submits that the petitioner is a poor person and is not a beneficiary of the alleged transaction. He further submits that co-accused Soffi Gangar and her husband Amandeep Singh Gangar are main master mind who got transferred the property in question in their name. He further submits that both the said co-accused are already granted interim protection by Coordinate Bench of this Court vide orders dated 1.12.2022 (Annexure P-3) and 21.12.2022 (Annexure P-4) respectively. He further submits that the petitioner is also ready to join the investigation with the police.

Present petition is contested by the State counsel who submits that the petitioner is the main person behind the entire fraud and at the time of execution of the alleged sale deed, he posed himself to be the original owner namely Gurmej Singh who had already died in 2015 and in this manner, the petitioner received entire sale consideration of the said transaction. State counsel further submits that custodial interrogation of the petitioner is necessary for proper investigation of this case. However, he has not disputed the fact that co-accused Soffi Gangar and Amandeep Singh Gangar are granted interim bail vide orders Annexures P-3 and P-4 respectively.

I have considered the submissions made by the counsel for the parties.

No doubt, the lady who purchased the property in question and her husband are already granted interim protection by Coordinate Bench of this Court as is evident from Annexures P-3 and P-4. However, this Court is of the view that the petitioner cannot take any benefit of the aforesaid orders of interim bail, he being the main beneficiary while impersonating as

original owner of the property namely Gurmej Singh (since deceased), executed the sale deed in question and received the entire sale consideration which comes out to be ₹88,60,000/- as is apparent from the copy of the sale deed Annexure P-2. So, serious allegations are appearing on record against the present petitioner and to go to the root of the case, custodial interrogation of the petitioner is required.

In view of above, the present petition is hereby dismissed being devoid of merits. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

February 9, 2023
Paritosh Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No