

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6588 of 2023
Date of Decision: April 21, 2023

Deepak Mehra Petitioner

Versus

State of Punjab & others Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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Present: Mr. Viren Jain, Advocate for the petitioner.
Mr. Tarun Aggarwal, Sr. D.A.G. Punjab.
Mr. G.B.S. Dhillon, Advocate, for the complainant.

HARKESH MANUJA, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case of FIR No.319 dated 06.12.2022 under Sections 420, 467, 468, 471, 120-B IPC registered at Police Station Division No.5, Police Commissionerate, Ludhiana.

2. In brief, allegations levelled in the FIR are that one Skoda Laura Car bearing registration No.PB-10-CS-5091 was owned by Rajinder Singh, father of the complainant, which was admittedly in the possession of another daughter-Anudeep Kaur and his husband/ petitioner. However subsequent to the death of their father i.e. on 26.07.2020, it was got transferred by Anudeep Kaur/ co-accused & petitioner in the name of petitioner-Deepak Mehra by forging the documents.

3. Learned counsel for the petitioner submits that co-accused / wife of the petitioner, against whom the primary allegations were made in the FIR has already been granted bail by this Court vide order dated

12.01.2023 in CRM-M-197-2023. He further submits that in fact, the present is a dispute between the sisters pertaining to the succession of estate left by their deceased father, Which has been given a criminal color only to exert pressure on the co-accused / Anudeep Kaur and petitioner. Relying on Section 19 of the Sales of Goods Act, 1930, learned Counsel also submits that petitioner has not transferred this movable property in his name and rather he has merely got his name recorded before the registration authority whereas, there is much difference between the transfer of a registration certificate and the transfer of a vehicle. He also submits that the vehicle in question was in fact given by the father-in-law of the petitioner as gift at the time of marriage of his daughter i.e. wife of the petitioner and it has been in their continuous possession since then. Learned counsel points out that present is not a case of Section 420 IPC, it is at best a case of wrong succession, as such, there is no wrongful loss and wrongful gain to any of the parties and at best Section 465 IPC could be made out. He again submits that once Section 120-B IPC has been deleted, the State needs to explain as to how petitioner has been implicated in the aforementioned FIR.

4. On the other hand Mr. Amit Shukla, AAG Punjab, assisted by Mr. G.B.S. Dhillon, learned counsel for the complainant submits that, in the present case, by forging an affidavit in the name of deceased father of co-accused, namely, Rajinder Singh, the car possessed by the petitioner has been transferred in his name. It has been pointed out that the father, who happened to be the registered owner of the vehicle in question, unfortunately expired on 26.07.2020 whereas, the affidavit in question which was got prepared and used for the purpose of transfer of the vehicle & was presented before the authorities on 12.03.2021 i.e. much after the

death of Rajinder Singh and during enquiry, it came to the fore that documents were forged by the petitioner and he was instrumental in getting all the documents prepared and getting the vehicle transferred in his name.

5. I have heard learned counsel for the parties and gone through the record. A perusal of the complaint as well as the documents reveal that though in FIR allegations were primarily made against the co-accused/ wife of the petitioner, however, during investigation conducted by the Additional Deputy Commissioner of Police, Ludhiana, primary attributions have been made against the petitioner, which are reproduced below:-

"6. After perusal of record received from the office of Regional Transport Authority, Ludhiana and Incharge H.R.C. Branch of the office of Deputy Commissioner, Ludhiana that the second party Anudeep Kaur and Deepak Mehra after the death of his father in law Rajinder Singh on 26.07.2020, on 12.03.2021 from Anil Kumar, Stamp Vendor had purchased stamp paper bearing Sr.No.28287 dated 12.03.2021 of value of Rs.50/ regarding affidavit of Rajinder Singh and Sr.No.28288 dated 12.03.2021 stamp value Rs.50/- regarding affidavit of Deepak Mehra. After that the second party Deepak Mahra, for transfer of Skoda Laura No.PB-10-CS-5091 above said affidavits/stamp paper were prepared, and these affidavits/stamp papers were attested by Ashwani Johal, Notary Public, Chamber No.309, Judicial Complex, Ludhiana and after that the second party Deepak Mehra prepared form No.29, 30 on which by putting the forged signatures of late Rajinder Singh, got the vehicle transferred in his name, record attached...."

6. Petitioner cannot claim parity with other co-accused as during enquiry he has been attributed the primary role of preparing and presenting forged & fabricated documents before public authorities for obtaining wrongful gains at the cost of complainant. In the present case, the petitioner prepared false transfer documents and requisite affidavits by

forging the signature of deceased so as to support his claim and authority towards the vehicle owned and left by the deceased with the purpose of cheating the complainant and depriving of her rights towards those vehicles (immovable). In addition to that, he is also the ultimate beneficiary of the transaction as the car has been transferred in his name alone. Reliance placed on Sales of Goods Act, 1930 also does not hold much substance as in view of the allegations, forgery was committed by executing documents on behalf of a dead person. It has been informed by the State Counsel that Section 120B IPC has not been deleted from the FIR, therefore, submission by the learned Counsel for the petitioner in this regard is incorrect. Thus, considering the manner in which the offence has been committed, a thorough investigation is required in the allegations levelled in the FIR and role played by the accused.

7. So, in the given circumstances, considering the nature and gravity of offences, role attributed to the petitioner, seriousness of the allegations and the manner in which offence has been committed, petitioner does not deserve the concession of pre-arrest bail, which is otherwise required to be granted in rarest of rare cases as it might hamper the investigation.

8. Consequently, the petition is dismissed. Interim order dated 16.02.2023 is hereby vacated.

9. It is further clarified that nothing stated hereinabove shall be construed as an expression of opinion on merits of the case.

April 21, 2022
sanjay

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No