

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

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CRM-M-11438-2023

Date of decision: 14.03.2023

GAGANDEEP SINGH NARANG**...Petitioner****VERSUS****STATE OF PUNJAB****...Respondent****CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

DEEPAK MANCHANDA, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.11 dated 02.02.2023 under Sections 420, 467, 468, 471 and 120-B of IPC, registered at Police Station PAU, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present FIR. It is alleged that the petitioner-Gagandeep Singh filed a forged affidavit by impersonating some other person on 15.6.2011 to grab the property of late Sh. Parveen Kumar, who expired on 24.9.1987 and got the mutation sanctioned of his property in the name of late Sh. Parveen Kumar. Thereafter, for the second time the petitioner committed forgery by executing forged power of attorney in his favour in place of Parveen Kumar vide GPA No. 398 dated 24.7.2012. By using that forged and fabricated power of attorney, he executed sale deed in favour of Gurdeep Kaur and Satinderpal Kaur, who are the close relatives of the petitioner, vide sale deed dated 25.1.2013. He further used the forged

Power of attorney and executed the sale deed in favour of Arvinder Kaur wife of Harpreet Singh vide sale deed dated 1.10.2013 No. 6252. In both the sale deeds, applicant-Gagandeep Singh mentioned that Parveen Kumar was alive at that time. Learned counsel submits that upon the complaint moved by the complainant, a detailed inquiry was carried out which has been made part of the present FIR and as per the said inquiry report, onus for preparing forged power of attorney of Parveen Kumar has been laid upon Aniljit Singh who got impersonated one Surenderpal @ Sharma and as regard the other attorney in the name of Harish Kumar the onus of forging the same has been laid upon father of the petitioner-Gurvinderpal Singh and on the basis of aforesaid allegations present FIR has been registered. He further submits that the present FIR has been registered at the highly belated stage as a property which was purchased way back in the year 1984-85, which as per the case of complainant was sold in the year 2012 and no explanation is forthcoming by the complainant as to why the complainant kept mum for almost a decade prior to getting the present FIR registered. Learned counsel submits that the petitioner is not involved in any other case and anticipatory bail to the petitioner be granted.

Learned State counsel has opposed the bail application on the ground that the allegations levelled against the petitioner are serious in nature and the petitioner had intentionally forged the documents despite that Parveen Kumar has expired and sold away his property and also forged his GPA after his death. So the anticipatory bail application of the petitioner be dismissed.

Mr. Keshav Pratap Singh, Advocate has put in appearance on behalf of the complainant and filed his *Vakalatnama*, the same taken on

record and submits that all the purchasers, witnesses and conspirators are the close relatives of the petitioner and have committed serious and heinous crime to grab the valuable property worth crores of rupees. When the fraud was brought to the notice, petitioner and Aniljit Singh confessed their guilt and issued four cheques for a sum of Rs. 1,42,00,000/- which were dishonoured because of Stop Payment Instructions. This was the fifth fraud committed by the petitioner. In this context, it has been held in *2022(1) RCR CrI 481 P&H* – under Sections 438, 420, 465, 467, 471, 120-B IPC- anticipatory bail-forgery and fraud were essentially the matter of evidence which are to be proved as fact by direct evidence or by inference- case at the stage is of anticipatory bail and facts are matter of investigation and shows documents forged and fabricated - hence petitioner is not entitled to anticipatory bail.

I have heard learned counsel for the parties.

Keeping in view of facts and circumstances of the present case, the petitioner in order to grab the property of a dead person Parveen Kumar who expired on 24.9.1987, got the mutation sanctioned of his property in the name of Parveen Kumar by filing a forged affidavit by impersonating some other person on 15.6.2011. Thereafter, for the second time, he committed the forgery by executing forged Power of Attorney in his favour in place of Parveen Kumar vide GPA No.398 dated 24.7.2012. By using that forged and fabricated power of attorney, he executed sale deed in favour of Gurdeep Kaur and Satinderpal Kaur, who were the close relatives of the petitioner, vide sale deed dated 25.1.2013 and this was third fraud. He further used the forged Power of Attorney and executed the sale deed in favour of Arvinder Kaur wife of Harpreet Singh vide sale deed dated

1.10.2013 bearing No.6252. In both the sale deeds, petitioner mentioned that Parveen Kumar was alive at that time. It is thus clear that petitioner has intentionally committed the offence and the allegations are serious in nature. Custodial interrogation of the petitioner is required to facilitate investigation.

In the given facts and circumstances and the seriousness of allegations, this Court does not deem it fit to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

March 14, 2023

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(DEEPAK MANCHANDA)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No