

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28010 of 2023
Date of decision: 19th September, 2023

Varinder Singh Handa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Keshav Partap Singh, Advocate for the petitioner.
Mr. Mohit Kapoor, Add. Advocate General, Punjab
for the respondent/State.
Mr. Veneet Sehgal, Advocate for
Mr. Akashdeep Miglani, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail in FIR No.363 dated 22.12.2018 for the offences under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Derabassi, District SAS Nagar (Mohali).

2. This Court vide order dated 31.05.2023, while issuing notice of motion, had passed the following order:

“Learned counsel for the petitioner fairly submits that he would implead the complainant as party/respondent in this case and file amended memo of parties within a week from today. He further submits that dehors the merits of the case, petitioner is ready to deposit some amount out of the total consideration. He has further submitted that one of the beneficiaries, namely, Sunil Kumar, has entered

into a compromise with the complainant and quashing petition on the basis of compromise qua him has also been filed.

Notice of motion.

On asking of the Court, Mr.Karunesh Kaushal, AAG, Punjab who is present in Court, accepts notice on behalf of the respondent-State.

Adjourned to 03.08.2023.

On filing of amended memo of parties by counsel for the petitioner, complainant be served for the date fixed.

In the meantime, no coercive action be taken against the petitioner till the next date of hearing.”

3. Learned counsel for the petitioner, inter alia contends that he has been falsely implicated in the case in hand, which is obvious from an abnormal delay of eight years in the lodging of the FIR, from the date when the fake General Power of Attorney was allegedly executed by the petitioner in the year 2010. He submits that in fact the land in question already stood sold in the year 2010 and the complainant party had also received the proceeds of the sale. Furthermore, a compromise deed dated 11.09.2022 (Annexure P-2) too had been effected between the petitioner and co-accused Sunil. It has still further been submitted that neither the signatures nor the photograph of the petitioner were on the fake General Power of Attorney. Learned counsel has asserted that since the case rests on documentary evidence, and no recovery is also required to be effected from him, his custodial interrogation would serve no useful purpose.

4. Per contra, learned State counsel assisted by the learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. He has submitted that it was a matter of record that the father of the complainant, Gurbachan Lal Chawla, who was the owner of the land in question, and whose General Power of Attorney had been fabricated by the petitioner in the year 2010, had already expired on 26.01.2008, i.e. two years prior thereto. The petitioner was the caretaker of the land of Gurbachan Lal Chawla; he, in connivance with co-accused, prepared a forged General Power of Attorney and then, got the sale deed of the land in question executed in the year 2010 by impersonating as Gurbachan Lal Chawla. Learned State counsel has submitted that in view of the huge fraud played by the petitioner, his custodial interrogation would be necessitated.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Prima facie, there are serious allegations levelled against the petitioner, who in connivance with the co-accused forged and fabricated a General Power of Attorney of a dead person, and subsequently, sold of parcels of land of a dead person by impersonating him. In view of the serious allegations leveled against the petitioner and the gravity of the offence, he does not deserve the extraordinary concession of anticipatory bail.

7. Dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 19, 2023

rps

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