

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:080340
CRM-M-28463-2023
Date of Decision: June 01, 2023

Gagandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Subhreet Kaur, Advocate for the petitioner.

DEEPAK GUPTA, J.(Oral)

By way of this petition filed under Section 438 Cr.P.C., petitioner prays for pre-arrest bail in case FIR No.0081 dated 04.06.2022 (Annexure P-1), registered at Police Station Punjab Agriculture University (PAU), District Police Commissionerate, Ludhiana, under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC.

2. FIR was lodged on the complaint of Simarjit Kaur, the wife of the petitioner. Petitioner and his wife i.e. complainant were owner of a property bearing LIG-4080, situated at Phase-2, Urban Estate, Dugri, Ludhiana. It is alleged that petitioner, by producing a fake lady, who impersonated as his wife-complainant, got the share of complainant in the property transferred in his name and got executed transfer deed dated 23.05.2018.

3. It is contended by counsel for the petitioner that FIR has been lodged on account of matrimonial disputes between the parties. As per the FIR, the District Attorney had recommended that before taking any action, signature of complainant should be got compared with the signatures appearing on the transfer deed. Petitioner has also given reference of other litigation between the parties. Learned counsel also

contends that complainant herself got the transfer deed executed in favour of the petitioner and then lodged the present FIR. It is also the contention that the case is dependent upon the documentary evidence; and that petitioner is ready to co-operate and join the investigation.

4. Notice of motion.

5. Mr. M.S. Nagra, Asstt. A.G., Punjab accepts notice on behalf of the respondent-State. Mr. Neeraj Jain, Advocate has filed memo of appearance on behalf of the complainant.

6. Strongly opposing the bail petition, learned State counsel has pointed out that as per opinion of D.A. (Legal), signatures of the complainant in her account of State Bank of India, Dugri, were got verified and on comparing the same with the signatures appended on the transfer deed, the same were found to be different. Learned State counsel along with counsel for the complainant further submits that custodial interrogation of the petitioner may be required in order to know the details of the lady, who impersonated as the complainant.

7. In addition to above, counsel for the complainant has pointed out that mother of the complainant had expired on 23.05.2018, due to which, complainant had to go to her maternal home and so, it was not just possible for her to appear in the Registrar Office for getting the transfer deed executed on the same day.

8. Having regard to the nature of the allegations against the petitioner but without commenting anything further on the merits of the case, I agree with the submissions made by learned State counsel that custodial interrogation of the petitioner may be required for further

probing the matter, particularly, in order to know the details of the woman, who impersonated as complainant. It is not a fit case to exercise the discretion of this Court to grant the relief of anticipatory bail to the petitioner.

As such, the present petition is dismissed

June 01, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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