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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 42243 of 2023

Decided on: 15.11.2023

RANDHIR SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Vaishali Kamboj, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

Mr. Amit Kohar, Advocate for the complainant.

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SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
182	07.08.2023	420, 467, 468, 471 IPC	Radaur District Yamuna Nagar

2. Learned counsel for the petitioner submits that in compliance of the orders dated 25.08.2023 passed by this Court, the petitioner has joined the investigation and as such prays for the aforesaid order to be confirmed.
3. Learned State counsel has filed reply by way of affidavit dated 22.09.2023 of Deputy Superintendent of Police Radaur, Yamuna Nagar, the same is taken on record. Copy thereof has been supplied to the counsel

opposite.

4. Learned counsel for the State has pointed out that although, the petitioner has joined the investigation but not cooperated in the investigation and forged rubber stamp of the Gram Panchayat is to be recovered from him and as such he has prayed for dismissal of the petition.

5. Mr. Amit Kohar, Advocate has put in appearance on behalf of complainant and filed Vakalatnama, the same is taken on record. Learned counsel for the complainant has pointed out that the petitioner alongwith co-accused had tried to get electricity connection by forging and fabricating the documents and signature of Sarpanch by affixing the rubber stamp not belonging to the Gram Panchayat. He submits that there is no occasion for Gram Panchayat to issue letter of verification when the litigation qua the same property is pending in the civil suit.

6. During the course of arguments, learned counsel for the petitioner, admitted the fact of pendency of civil suit qua the property in question.

7. After considering the respective arguments and perusing the record, it transpires that there are specific allegations against the petitioner of having forged and fabricated signatures on the alleged certificate issued by Sarpanch, Gram Panchayat, regarding wife of the petitioner Rekha Rani co-accused having been in possession of land within 'lal dora' of the village and that there is no dispute qua the land. The alleged signatures of Sarpanch on this document is in dispute and further it is specifically pointed out by learned counsel for the State as well as learned counsel for the complainant that the rubber stamp of Gram Panchayat is in English and there is no rubber

stamp in Hindi as has been used in the alleged document and to prove this version they have referred to number of documents/resolutions issued by the Gram Panchayat bearing the rubber stamp in English. Moreover, they have pointed out that once the dispute regarding the property in question is already pending in Civil Court, there is no occasion for Sarpanch to have issued the aforesaid document which on the face of it is forged and fabricated.

8. Therefore, considering the nature and gravity of the offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent the petition is hereby dismissed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

15.11.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |