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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47437-2023(O&M)

Date of Decision: 20.09.2023

Gurcharan Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Simran S. Nagra, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.184 dated 23.08.2023, under Sections 420, 465, 467, 468 IPC, registered at Police Station City 2 Mansa, District Mansa.

2. Learned counsel for the petitioner submitted that it is a case where the allegations against the petitioner are false. He further submitted one power of attorney was got registered before the Tehsildar by way of impersonating the complainant by other co-accused namely Dimple and the power of attorney was executed in favour of the present petitioner. He submitted that the petitioner was not aware of the aforesaid position and therefore, he has been falsely implicated.

3. The present FIR was lodged on the basis of a complaint made by one lady namely, Simarjit Kaur wife of Balwinder Singh, resident of Delhi by alleging that she owns some property which has been so described in the FIR and she is the owner and is in possession of the same. Allegedly, the present

petitioner namely, Gurcharan Singh alongwith witnesses namely, Bharpur Singh and Karan Singh, Nambardar and a close woman of him prepared a forged and fictitious general power of attorney of the complainant regarding her plot.

4. Mr. Ramdeep Partap Singh, learned Senior DAG, Punjab has stated that he has received an advance copy of the present petition and has also sought instructions ASI Jasvir Singh who is also present in the Court. He submitted that it is a case where on the face of it a power of attorney was registered by way of impersonation. During the course of arguments, he also referred to a photocopy of the alleged power of attorney wherein the photograph of the petitioner is seen standing behind the complainant and similarly the photograph of the other co-accused namely Dimple is also seen behind the Tehsildar whereas the complainant Simarjit Kaur is not present. He submitted that the arguments raised by the learned counsel for the petitioner that he was not aware of the same cannot be accepted since he was physically present and is shown in the photograph and a fraud has been committed upon the complainant especially when the property was of a high value. He further submitted that in view of the aforesaid facts and circumstances the custodial interrogation of the petitioner is required for the purpose of further elicitation of truth and qualitative investigation particularly in view of the judgment of the Hon'ble Supreme Court in ***State represented by CBI Versus Anil Kumar, 1997 (7) SCC 187.***

5. I have heard the learned counsel for the petitioner.

6. The allegations in the FIR as aforesaid were that the complainant namely Simarjit Kaur has alleged that with regard to her property a power of attorney has been executed before the Tehsildar at the instance of the present

petitioner namely, Gurcharan Singh. The learned State counsel has also referred to the photograph of the said power of attorney wherein the petitioner is seen standing behind the Tehsildar alongwith the other co-accused Dimple who had allegedly impersonated the complainant namely Simarjit Kaur. The arguments raised by the learned counsel for the State that for the purpose of qualitative investigation and elicitation of truth the custodial interrogation is required does carry weight. Therefore, considering the gravity of the offence of the present case, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

7. Consequently, the present petition is dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

20.09.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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