

[211] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55056-2023

Date of Decision :14.11.2023

Palwinder Singh ...Petitioner

versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Amardeep Singh, Advocate for the petitioner.
Mr. H.S. Sitta, DAG, Punjab.
Mr. P.S. Bhandari, Advocate for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

[1] The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0097 dated 04.08.2023, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Dera Baba Nanak Police, District Batala, District Gurdaspur.

[2] Short reply by way of affidavit of Maninder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division Dera Baba Nanak Police, District Batala, on behalf of the respondent-State, has been filed in Court today. The same is taken on record. Copy thereof has already been supplied to learned counsel for the petitioner to which he has stated that he has already received the copy.

[3] Learned counsel for the petitioner submitted that it is a case where the allegations against the petitioner are that he got fabricated a

Patwari for the correction of *khasra girdawari* pertaining to land measuring 114 kanals 13 marlas. He submitted that the aforesaid letter has never been fabricated by the petitioner and so far as the petitioner is concerned, there is no role of the petitioner even if the aforesaid letter is fabricated because it was never used by the petitioner. He further submitted that the Tehsildar had rather directed the Patwari for correction of the *khasra girdawaries* and, therefore, so far as the present petitioner is concerned, he may be considered for the grant of anticipatory bail in this regard. He further submitted that the present FIR was a counterblast to the FIR registered by the petitioner against Narinder Singh and Davinder Singh.

[4] On the other hand, learned DAG, Punjab as well as learned counsel appearing on behalf of the complainant have submitted that it is a case where the allegations were made by the complainant namely, Narinder Singh and his brother that with regard to the aforesaid land of 114 kanals 13 marlas, there was a dispute but the petitioner got a letter fabricated, which was bearing Special No. I dated 15.07.2022 purportedly issued by one Tehsildar namely Karanpal Singh, Dera Baba Nanak to which special number dated 01.06.2022 was assigned and in pursuance of the aforesaid letter purportedly issued by the Tehsildar towards the Patwari, the *Khasra girdawaries* were changed in the name of the petitioner. However, later on, during investigation, it has been found that the aforesaid letter was totally forged and fabricated letter and no record was found in the office of the Tehsildar and no such letter was issued but

the petitioner in connivance with the Patwari changed the *khasra girdawaries* of huge chunk of land and the petitioner was the only beneficiary of the aforesaid change of *khasra girdawaries* . They further submitted that after the aforesaid correction of *khasra girdawaries* based upon the aforesaid letter, the same was challenged by the complainant/brother of the complainant before the SDM and the SDM had set aside the aforesaid order. However, at that point of time, no such observations were made with regard to the authenticity of the aforesaid letter but the SDM on the basis of physical inspection of the land had set aside the order but later on, it was found that the aforesaid letter itself was forged and, therefore, the present FIR was lodged. Learned State counsel submitted that considering the seriousness and gravity of the offence, the petitioner does not deserves the concession of anticipatory bail because it has to be investigated by way of custodial interrogation that how he got the letter purportedly issued by the Tehsildar towards Patari was got fabricated.

[5] I have heard learned counsels for the parties.

[6] The allegations in the present case are that the petitioner in connivance with the Patwari had got a letter fabricated, which was purportedly issued by the Tehsildar towards Patwari for correction of *khasra girdawaries* pertaining to huge chunk of land of 114 kanals 13 marlas. As per the affidavit filed by the State, it has been found that there is no record available with the office of the Tehsildar and it has been so investigated and so verified from the Tehsildar that no such letter was

issued by him but the fact remains that with the implementation of the aforesaid letter, the *khasra girdawaries* have been changed in the name of the petitioner, who has become the beneficiary. So far as the argument raised by learned counsel for the petitioner that the present FIR is a counterblast to the FIR registered by the petitioner against Davinder Singh, alleging forcible dispossession is concerned, the same cannot become a ground for grant of anticipatory bail to the petitioner in view of the fact that as per the affidavit filed by the State during investigation, it has been found that the aforesaid letter was found to be forged and the petitioner is the beneficiary of the implementation of the aforesaid letter. Therefore, this Court is of the view that considering the gravity of offence involved, the petitioner does not deserve the concession of anticipatory bail.

[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 only meant for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

14.11.2023
'Rajneesh'

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