

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

102+208.

2023:PHHC:093606
CRM-23006-2023 in/and
CRM-M-61135-2022

Date of decision: July 24th, 2023

Biram Singh @ Braham Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General, Haryana.

Mr. Sumeet Jain, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.334 dated 11.11.2022 under Sections 418, 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Mundkati, District Palwal

2. Learned counsel appearing for the petitioner, *inter alia*, contends that a false case has been planted upon the petitioner for having prepared a forged General Power of Attorney (GPA) of Badan Singh, who has been missing for the past 34 years, and thereafter on the basis of the aforesaid forged GPA, co-accused Naresh Kumar had allegedly executed a sale deed pertaining to the land belonging to said Badan Singh, in favour of the petitioner.

3. On being put to notice by a coordinate Bench of this Court on 17.01.2023, the petitioner was asked to join investigation and cooperate with the investigating agency. Thereafter when the case was adjourned to 12.04.2023, the State Counsel on instructions had informed the Court that the petitioner had not been cooperating with the investigating agency. In the circumstances, the petitioner was granted another opportunity to join investigation and cooperate.

4. Learned State counsel, on instructions, has informed the Court that no doubt the petitioner did join investigation, however, yet again he had failed to cooperate with the investigating agency. Learned State counsel has further apprised the Court that the person, who impersonated Badan Singh while executing the GPA, was one Ram Das. Thereafter, on the basis of the GPA, the petitioner in collusion with co-accused Naresh Kumar had executed a sale deed in his own favour. As per the sale deed executed by co-accused Naresh Kumar, the petitioner had paid a sale consideration of ₹65 lakh through cheques, however, none of the cheques were cleared, which in turn clearly indicated that the petitioner was an active conspirator to the crime in question. Learned State counsel has prayed for dismissal of the instant petition as the custodial interrogation of the petitioner would be necessitated to go to the root of the crime committed more so since the land qua which the documents were forged were in NCR Delhi, where such like frauds had become rampant and many such cases had come to light in the recent past.

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

6. *Prima facie*, there are serious and specific allegations leveled against the petitioner in the FIR in question, coupled with the fact that he has not even cooperated with the investigating agency despite being given ample opportunities. In the circumstances, the petitioner does not deserve the extraordinary concession of anticipatory bail.

7. The petition, therefore, stands 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.

July 24th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No