



CRM-M-13421-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-13421-2024

Date of decision : May 30, 2024

Gurdial Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. T.S. Chauhan, Advocate and
Mr. Karanpreet Singh, Advocate, for the petitioners

Mr. Akshay Kumar, AAG, Punjab

Mr. Rajneesh Kumar Shelly, Advocate, for the
complainant

KULDEEP TIWARI,J. (ORAL)

1. On 15.3.2024, this Court passed the following order:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner seeks grant of anticipatory bail, in case FIR No.372 dated 30.11.2023, under Sections 420/120-B of the IPC, registered at P.S. Derabassi, District S.A.S. Nagar.

2. What erupts from a scrutiny of the record available before this Court, is that, the present FIR derives its origin from an order made by the learned Magistrate concerned, upon an application instituted under Section 156(3) of the Cr.P.C., wherein, the complainants Jagdeep Singh, Paramjit Singh and Hardeep Singh alleged

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commission of forgery by the petitioner. The relevant extract of the allegations, as levelled in the application (supra) and which are narrated in the order dated 29.02.2024, whereby, the learned Additional Sessions Judge concerned has declined to grant anticipatory bail to the petitioner, are reproduced hereinafter:-

“....it has been alleged that the petitioner Gurdial Singh, being son of Raunak Singh, had got transferred the property of the aforesaid Raunak Singh on the basis of the power of attorney dated 09.09.1997 of the aforesaid Raunak Singh in favour of the coaccused Ranjit Kaur vide sale deed dated 30.09.1999, while the aforesaid Raunak Singh had already died on dated 28.01.1991. It has been further alleged that the complainant no.2 Paramjit Singh, being son and the complainants no.1 & 3 namely Jagdeep Sinjgh and Hardeep Singh respectively, being grandsons of the aforesaid Raunak Singh have come to know about the same on dated 03.03.2023 and they have suffered wrongful loss due to the aforesaid act of the petitioner Gurdial Singh. It has been further alleged that the petitioner Gurdial Singh alongwith his wife Ranjit Kaur has conspired by creating a false power of attorney and has got the sale deed registered in favour of his wife and has thus, committed the offence under Sections 420, 120-B of IPC....”

3. The learned counsel for the petitioner submits that the application (supra), which led to registration of the present FIR, has been filed after a lapse of approx. 25 years, inasmuch as, the alleged occurrence occurred in

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the late 1990s. He further submits that, even if the allegations are taken to be a gospel truth, yet the custodial interrogation of the petitioner is not required, as the case is based upon documentary evidence. Lastly, he submits that the petitioner is ready to join the investigation and to cooperate with the investigating officer.

4. Notice of motion for 09.05.2024.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.

6. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

2. Thereupon, the petitioner failed to join the investigation, and he was again directed to rejoin the investigation. However, thereupon, though the petitioner joined the investigation, but did not co-operate, as the requisite documents, which were required for the investigation, were not deposited by the petitioner. Thereupon, this Court again directed the petitioner to rejoin the investigation. Further on 22.5.2024, this Court imposed a cost of Rs 10,000/- upon the petitioner on account of his being failed to join the investigation.

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3. Today, the learned counsel for the petitioner submits that the cost as imposed upon the petitioner, has been deposited as per directions issued by this Court, and photo copy of the receipt is also produced before this Court. The same is taken on record. He further submits that the petitioner has joined the investigation, and has also fully cooperated, and submitted the requisite documents, as required by the Investigating Agency.

4. The learned State counsel on instructions imparted to him by ASI Ashok Kumar, submits that the petitioner has joined the investigation and he is fully co-operating with the investigation process, and he is not required for any further custodial interrogation.

5. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 22.5.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

May 30, 2024

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**(KULDEEP TIWARI)
JUDGE**

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No