



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-20649-2024
Date of decision: May 10th, 2024

Dharam Parkash

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Ms. Harita Pautney, Advocate
for Mr. Ishan Gupta, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.12 dated 01.02.2024 under Sections 419, 420, 465, 467, 468, 471, 511 and 34 of the IPC registered at Police Station Civil Lines, District Police Commissionerate Amritsar.

2. On being put on notice on the last date of hearing, the learned counsel for the State assisted by the counsel for the complainant, have appeared today and vehemently opposed the prayer and submissions made by the petitioner for being extended the concession of anticipatory bail in view of the huge fraud played by all the accused including the petitioner upon Non-Resident Indians (NRIs), i.e. the complainants. The allegations levelled in the FIR have been reiterated by both, the learned State counsel and the counsel for the complainant. Learned State counsel has at the outset prayed for the

custodial interrogation of the petitioner to unearth the entire *modus operandi*, given the prevalence of fraudulent land transfers involving NRIs in this part of the country.

3. Learned counsel for the petitioner has argued that he is a 67 year old man and has been falsely implicated in the present case for allegedly dictating and drafting the second special power of attorney. It has been asserted that the petitioner was not to be a beneficiary in the alleged fraudulent transactions.

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

5. The FIR in question was registered following an application submitted by complainants Satinder Pal Singh, Davinder Singh, Kulwinder Singh and Sukhraj Singh Randhawa. They alleged that they are residing abroad, however, were maintaining their house and agricultural land in Village Bhinder, District Amritsar. They learnt that some unscrupulous people had fraudulently impersonated them and thereafter, fabricated a forged General Power of Attorney on the basis of which they were trying to sell off their property. They also alleged that the General Power of Attorney had been forged and fabricated on 26.04.2022, even though on the given date they were not in India, but it was a matter of record that they were in the USA. Allegedly, co-accused Ashwani Kumar, a Deed Writer in the Tehsil Complex initially drafted the forged Power of Attorney, which was then endorsed by witnesses Maninder Singh Lambardar and Rupinder Kaur, who then got it formally executed by the Joint Registrar on 26.04.2022. On coming to know about the fraud being played upon them, on 21.08.2023, the complainants visited Amritsar Court

Complex, where co-accused Gurdarshan Singh was caught red handed, while trying to transfer the forged General Power of Attorney to Special Power of Attorney in the name of one Jagtar Singh at the window of Tehsildar office. Resultantly, the Tehsildar called the police to his office, who then took them into custody.

6. *Prime facie*, it is a case of impersonation, forgery and tampering of documents. There are serious allegations against all the accused including the petitioner, who in collusion with each other, fabricated and forged documents in respect of the agricultural lands of the complainants, which they tried to sell further by forging yet again another Special Power of Attorney. The petitioner is specifically accused of orchestrating and drafting the second forged Special Power of Attorney, which as per the case of the prosecution, also bears his seal.

7. This Court, in the aforementioned facts and circumstances and the allegations levelled, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

8. The instant petitions stands dismissed.

9. 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.

May 10th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No