

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211) CRM-M NO.46595-2024(O&M)
DATE OF DECISION: 09.12.2024

Satpal SharmaPetitioner

VERSUS

State of PunjabRespondent

CORAM HON’BLE MR. JUSTICE KULDEEP TIWARI

Present Mr.P.S.Ahluwalia, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

Mr.Rahul R. Rampal, Advocate, for complainant.

KULDEEP TIWARI, J (ORAL)

1. Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.75 dated 23.07.2024, under Sections 419, 420,465, 467, 468, 471 and 120-B IPC.

2. This Court earlier granted interim protection to the petitioners vide order dated 03.10.2024, which is extracted as under:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.75 dated 23.7.2024, under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Punjab Agriculture University, District Police Commissionerate, Ludhiana.

The pivotal issue upon which the FIR (supra), revolves is two power of attorneys, as alleged to have been forged and executed by the complainant, and his wife, in favour of the present petitioner, and one Nirbay Singh, on 10.11.2010 and 10.09.2009, respectively.



In the FIR (supra), the basis to declare the power of attorneys as forged is the report dated 08.05.2024, of SDM, which is annexed as Annexure P-10. A perusal of the report reflects that the SDM has shown suspicion on account of the fact that neither a hardcopy, nor a scanned copy, of these two power of attorneys, are available in the revenue record.

Learned counsel for the petitioner, while referring to the vernacular of the power of attorney dated 10.11.2010, (in favour of the present petitioner), which is annexed as Annexure P-2, draws attention of this Court towards the photograph attached with it, which clearly reflects the presence of the complainant, and the Sub-Registrar concerned, at the time of registration of such document.

He further submits that a civil suit, in which the veracity of the two power of attorneys (supra), has been challenged, is still pending consideration. He also submits that till date there is no forensic examination of these two documents (power of attorneys), to conclude that these are result of fabrication.

He in addition submits that the petitioner is ready and willing to hand-over the original power of attorneys, to the investigating officer in case an adequate protection is granted to him.

The prayer for grant of pre-arrest bail has been opposed by the learned State counsel, as well as learned counsel for the complainant, and submit that the report of the SDM (supra), is very clear and non-existence of these two power of attorneys, in the revenue record, clearly cause suspicion on the very existence of such documents.

They further argue that the petitioner has sold an un-salable area of the colony, which was carved out by the complainant way back in the year 2005.

Be that as it may, the petitioner is directed to join the investigation with the investigating officer concerned, and upon joining such investigation the



petitioner shall hand-over the original power of attorneys to the investigating officer concerned, and the latter shall get the power of attorneys examined through the forensic expert. Thereupon the State shall file a reply to the instant petition.

Further, in the event of arrest of the petitioner, 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 482(2) B.N.S.S., 2023.

Adjourned to 26.11.2024.”

3. A perusal of the order (*supra*) clearly reflects that petitioner was granted bail by this Court with the condition that he shall handover the original power of attorney dated 10.11.2010 and 10.09.2009. Though the petitioner did join investigation but he did not comply with the directions as he has not deposited the Original Power of Attorney (*supra*), which led this Court to pass the order dated 25.09.2024, which reads as under:-

“CRM-38724-2024

Allowed, as prayed for. The vernacular copy of Annexure P-3 i.e. agreement to sell dated 17.4.2012 is taken on record.

Main case

Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.75 dated 23.7.2024, under Sections 419, 420, 465, 467, 468, 471 and 120-B of IPC, registered at Police Station Punjab Agriculture University, District Police Commissionerate, Ludhiana.

Notice of motion for 3.10.2024.

On the asking of the Court, Mr. Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of the respondent-State, whereas Mr. Rahul R. Rampal, Advocate has caused appearance on behalf of the complainant.

Status report dated 23.9.2024 by way of an affidavit of Gurdev Singh, PPS, Assistant Commissioner of Police, (West),

Ludhiana has been filed by the learned State counsel today in the Court, the same is taken on record.

Learned counsel for the petitioner prays for an adjournment so as to address the arguments after perusal of the status report.

To be shown in the urgent list.”

5. Today, learned counsel for the petitioner fairly admits that the petitioner has still not made compliance of the directions issued by this Court, and has not handed over the original Power of Attorney, despite giving undertaking to this Court.
6. In view of the above, considering the conduct of the petitioner that he is deliberately scuttling of investigation, under the garb of interim directions issued by this Court, therefore, this Court is not inclined to grant relief of anticipatory bail to the petitioner.
7. The petition is, hereby, **dismissed**.

09.12.2024
mamta

(KULDEEP TIWARI
JUDGE

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