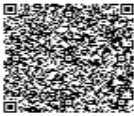


2024:PHHC:133248



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM M-47527 of 2024
Date of Decision: 04.10.2024

Balwinder Singh Nambardar ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Tanvir Joshi, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

Mr. Imaan Singh Khara, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.91 dated 07.08.2024 registered under Sections 420, 419, 465, 468, 471 and 120-B IPC at Police Station Gidderbaha, District Sri Muktsar Sahib.
2. The FIR in the present case was registered on the basis of the statement made by Jagsir Singh son of Boota Singh. As per the complainant, Jaspal Singh and Harpal Singh, brothers of the complainant had entered into an agreement to sell regarding the

property of the complainant by impersonating him. They had also opened bank account in the name of the complainant by forging his Aadhar card and PAN card and his land was sold illegally by his brothers by forging the documents and on the basis of the wrong identification. Balwinder Singh, Nambardar, the petitioner had identified the co-accused at the time of forging of documents regarding identity of the complainant. Thus, the FIR was got registered by the complainant against the petitioner and others under Section 419, 420, 465, 468, 471 and 120-B IPC.

3. Learned counsel for the petitioner contends that the only allegation against the petitioner is that he had identified a wrong person, at the time of the execution of the sale deed. However, the petitioner was not involved in the alleged fraud and had not derived any direct/indirect benefit from the transaction in question. Apart from that, it was also admitted that the petitioner had not received any monetary consideration in the present case and the petition deserves to be allowed by this Court.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the petitioner on the ground that the land of the complainant was illegally sold by his brothers namely, Harpal Singh and Jaspal Singh in connivance with the present petitioner. Even, the petitioner is the main accused and he had identified a wrong person.

In fact, the possession of the property still remains with Gurpiar Singh and loss has been caused to the complainant because of the petitioner.

5. I have heard the rival contentions made by learned counsel for the parties and perused the record.

6. As per the allegations levelled in the FIR, Jaspal Singh and Harpal Singh, brothers of the complainant had entered into an agreement to sell/executed the sale deed of the property of the complainant by impersonating him. Even, a bank account was also opened in the name of the complainant by forging his Aadhar card and PAN card and the complainant had no knowledge with regard to the said developments. The present petitioner had identified the co-accused at the time of preparation of the forged documents and he is the root cause of the problem. Had he not identified them, it would not have been possible for the Registrar to register the sale deed in the present case. Thus, the petitioner is not entitled to the relief of anticipatory bail and the petition is liable to be dismissed.

5. Dismissed.

04.10.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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