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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25391-2024

Date of decision: 24.04.2025

Mohinder Pal

....Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Manuj Nagrath, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

Mr. Angad Parmar, Advocate for
Mr. Ashok Khanna, Advocate
for respondent No.2.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.3 dated 04.04.2024 (Annexure P-1) under Sections 420/465/467/468/471 of IPC registered at Police Station NRI District Police Commissionerate Jalandhar.

On 18.05.2024, the following order was passed:-

*'Learned counsel for the petitioner refers to an order dated 07.02.2024 passed by the Court of Civil Judge (Junior Division)-I, Jalandhar in Civil Suit titled as "**Daljit Kaur Johal vs. Mohinder Pal and others**" to contend that against the sale of plot on the basis of power of attorney dated 15.06.2024, the amount of sale consideration stands paid to Daljit Kaur Johal, thus, the parties are in the process of entering into settlement.*

Notice of motion for 24.07.2024.

In the meantime, petitioner will join investigation before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail bonds/surety bonds to his satisfaction. The petitioner is directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

Learned counsel for the petitioner is directed to move an appropriate application to implead Daljeet Kaur Johal as party respondent No.2 within a period of one week from today along with memo of parties.'



Learned counsel for respondent No.2 on 05.09.2024 submitted before this Court that the petitioner, even after the registration of the FIR (*supra*) has sold another property on the basis of forged power of attorney. He further submitted that not only this property, he has sold 'n' number of properties on the basis of forged documents. Thereafter, this Court had directed the State counsel to verify that how much property is there which belongs to the complainant and how much property of the complainant has been transferred on the basis of alleged forged GPA.

Learned counsel for the petitioner specifically refers to para 5 of the status report filed by the State of Punjab on 13.01.2025 and submits that only one property measuring 15 marlas transferred to one Neetu Sharma on 20.05.2021 i.e. prior to the registration of the FIR (*supra*). He further submits that a civil suit between the parties is pending with regard to the same property in which respondent No.2 is offered that the property in question be transferred back in her name to amicably settle the entire dispute. Respondent No.2 has not accepted the offer made by the petitioner and the subsequent buyer Neetu Sharma. He further submits that power of attorney was issued in favour of the petitioner in the year 2021 and it was only revoked in the year 2021 without informing the petitioner. Furthermore, the petitioner has joined the investigation and dispute between the parties is purely civil in nature, however, the Investigating Officer is compelling the petitioner to hand over the original power of attorney which is not in possession of the petitioner and he is unable to produce the same before the Investigating Officer and at the worst, non-availability of the power of attorney would entail invocation of Section 201 of IPC.



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Learned State counsel on instructions from SHO Amit Sandhu submits that the petitioner has joined the investigation and his custodial interrogation is not required.

Learned counsel for respondent No.2 vehemently opposes the prayer made by the petitioner on the ground that the petitioner is taking different stands and is blowing hot and cold on the same breath and he is ready to effect the compromise and on the other hand he is not handing over the forged power of attorney in compliance of the order passed by this Court and the conduct of the petitioner is such that he is not entitled to any relief.

In view of the statement of learned State counsel, order dated 18.05.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

24.04.2025

Neha

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