

Haripal Singh Vs State of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: April 8, 2010

Acts Referred: Criminal Procedure Code, 1973 (CrPC) â€” Section 438
Penal Code, 1860 (IPC) â€” Section 120B, 419, 420, 465, 467

Citation: (2010) CriLJ 4322 : (2011) 5 RCR(Criminal) 224

Hon'ble Judges: Sabina, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Sabina, J.

This petition has been filed u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 293 dated

24.10.2008 under Sections 419, 420, 467, 468, 471 read with Section 120B of the Indian Penal Code ("IPC" for short), registered at Police

Station Division No. 5, Civil Lines, Ludhiana.

2. The contents of the FIR (Annexure P-1) reads as under:

It is submitted as under :1. That applicant Jatinder Kaur, Jasvir Kaur D/o Dharampal Singh Pangli and Sarabjeet Singh son of Dharampal Singh

Pangli, Now resident through Inderjit Singh Pangli son of Kuldip Singh Pangli R/o Canada, 36189, Casendra Driver Aithford, B.C. Canada, are

R/o above given address in Canada for the last about 15 years and have the status of NRI and our father Dharampal Singh died on 11.4.2003 in

DMC and H. Ludhiana. The Photocopy of the death certificate, passport copy and pension of my father are attached alongwith this application. 2.

That our uncle whose real name is (Taya) Pavittar Singh Pangli Date of Birth 2-41998 son of Hardial Singh pangli, who was residing in the

America Under the name of Pavittar Singh Pangli at Loss Angles California and due to the fear of deportation from there he fabricated documents

against the name of my father Dharam Pal Singh son of Hardial Sigh and now residing permanently at 14231 Street, 71A Avenue Surrey B.C. V

3W 2 L8 Canada. 3. That my Taya uncle by impersonating himself as Dharampal Singh whose real name of Pavittar Singh has executed one

power of attorney in the year 2005 on 1.2.2005 and by impersonating himself Dharampal Singh got executed general power of attorney in the

name of Nirmal Singh son of Sh. Maan Singh and it was got attested by witnesses Talvinder Kaur R/o Surrey Office Estate and that power of

attorney was embossed from Patiala Divisional Commissioner vice consulate when over by impersonating in place of our father got his photograph

placed on the power of attorney, executed a registered deed No. 19304, Dated 16.2.2005 by fraudulently after forging a power of attorney of my

father who has died on 11.5.2003 in DMC Hospital and after attesting from Balbir Singh Lamberdar and kanungo Revenue Department, and Naib

Tehsildar with the help of this faked power of attorney, Pavittar Singh by impersonating himself in place of dead person had got executed sale deed

which is attested by Shyam Singh Lamberdar R/o Village Mundia. Haripal Singh purchaser has got forged document and got faked signatures of

my father in the presence of Sub Registrar has affixed his Photo which is attached. 4. That not only this in Canada Pavittar Singh showing himself

as Dharampal Singh and in India fraudulently has sold two acre land of real Dharam Singh, which is value about Rs. 2 Crores and after that

showing himself as Pavittar Singh is withdrawing his pension from Punjab and Sind Bank (Indian Overseas Bank), Katani Kalan. In Canada, he is

showing himself as Singh Dharmpal. He is sending the proof of living from the nash Gill Notary Public Abottford to the Pension Department and

Bank every year. He has committed serious crime by showing himself in place of two person and one is dead. He has cheated and frauded with his

family by crore of rupees and Government of Punjab. Haripal Singh knowing well that the brother Dharampal Singh died in 2003 after conniving

with Pavittar Singh has got executed the land in his favour in 2005. These all the faked documents has been forged fraudulently by Haripal Singh

Pangli Son of Late Hardial Singh Pangli who is residing at 1648, Mechenzi Road Abbotsford, BC V2S8J6 Canada in connivance with the other

persons namely Pavittar Singh Pangli son of Late hardial Singh Pangli Resident of Village Pangli, Ludhiana Halqa kanungo and Naib Tehsildar of

Village Pangli, Shyam Singh Lamberdar, mundian, Pardeep Kumar, Nirmal Singh son of S. Maan Singh Resident of Kohara, Ludhiana, has gained

crores of rupees by fraudulently and has caused loss crores of rupees to the complainant. We NRI be protected and the action may be taken

against the accused.

Sd/-Jatinder Kaur Pangli,

Sd/-Jasvir Kaur Pangli, Sd/-Sarabjeet Pal Singh, Pangli son of Late S. Dharampal Singh Pangli, Resident of Village Panglian, Tehsil and Distt.

Ludhiana, which was investigated by ASP (CITY) Ludhiana and he wrote in his investigation Criminal Misc. No. M-6524 of 2010 -5report that

the above mentioned Pavittar Singh son of Hardial Singh Resident of Village Panglian after making a fake passport under the name of his brother

Dharampal Singh living at Canada. Pavittar Singh son of S. Hardial Singh after the death of original Dharampal Singh after 2 years in connivance

with haripal Singh and Nirmal Singh prepared a Special Power of Attorney in favour Nirmal Singh son of Sh. Maan Singh Resident of Kohara and

attach Photo o Pavittar Singh on this attorney. Even though Nirmal Singh son of Maan Singh has dictated in his statements that he had no

knowledge regarding this scam, but in fact its really hard to believe because according to his statement Nirmal Singh son of Maan Singh knows

Haripal Singh son of Hardial Singh from many years. It is not believable that Nirmal Singh son of Maan Singh did not know about the death of

Haripal brother"s Dharampal Singh. Then Nirmal Singh son of Maan Singh and Haripal Singh son of Hardial Singh with the help of witnesses Sham

Singh Lamberdar Village Mundian khurd and Pardeep Kumar son of Raj Kumar got executed the sale deed of above mentioned land vide Wasika

Number 19304, Dated 16.2.2005 in the name of Haripal Singh and cause damaged to the applicants. Thus Pavittar Singh (Fake Dharampal

Singh) Haripal Singh son of Hardial Singh, Nirmal Singh son of S. Maan Sigh, Shyam Singh Lamberdar Village Mundian Khud and Pardeep

Kumar Son of Raj Kumar committed a crime u/s 419, 420, 465, 467, 468, 471, 120B of IPC. It has been suggested that after registering a

criminal case under these sections against them another investigation should follow up. At the time of Investigation it should clear up that how and

with whose help Pavittar Singh got himself issued a passport and got himself a Canadian Citizenship. In the investigation which peoples and

employees have played a false role they should also e punished. Report is submitted for appropriate order.

3. Learned Counsel for the petitioner has submitted that the petitioner was innocent and has been falsely involved in this case. Dharampal Singh

was still alive and had been granted citizenship in Canada in the year 2000.

4. Learned State counsel, who is assisted by learned Counsel for the complainant, on the other hand, has submitted that Dharampal Singh had,

infact, died in the year 2003 and the petitioner had forged his power of attorney in the year 2005.

5. After hearing learned Counsel for the parties, I am of the opinion that the instant petition deserves dismissal as the offence alleged to have been

committed by the petitioner is serious in nature.

6. The petitioner has allegedly forged the power of attorney of his brother, who had died on 11.5.2003 in D.M.C. Hospital, Ludhiana. Pavittar

Singh Pangli had impersonated himself in place of deceased Dharampal Singh. The petitioner had got the sale deed executed in his favour after

conniving with Pavittar Singh Pangli on the basis of forged and fabricated documents. The petitioner might be required for custodial interrogation.

7. Accordingly, this petition is dismissed.