

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 209

Date of Decision: *May 06, 2015*

1. **Criminal Miscellaneous No.M-10865 of 2015**

Harjinder Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

2. **Criminal Miscellaneous No.M-13271 of 2015**

Karajwinder Singh

..... PETITIONER

VERSUS

State of Punjab

..... RESPONDENT

...

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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PRESENT: - Mr. Kiran Kumar Madan, Advocate, for the
petitioner(s).

Ms. Priyanka Sadar, Assistant Advocate General,
Punjab.

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Jaspal Singh, J (Oral)

1. This order shall dispose of Criminal Miscellaneous
No.M-10865 of 2015 and Criminal Miscellaneous No.M-13271 of 2015

as they are outcome of one and the same FIR bearing No.165 dated August 6, 2011 under Sections 420, 465, 467, 468, 471, 120-B IPC, Police Station, Navi Baradari, Jalandhar.

2. These petitions have been preferred under Section 439 Cr.P.C. for grant of regular bail to the petitioners in aforesaid FIR case.

3. Briefly stated, allegations contained in FIR are that one Sukhdev Singh, in connivance with his son Gurvinder Singh got prepared a General Power of Attorney dated March 1, 2011 bearing No.445 qua the property of complainant Naib Singh, in his favour in respect of land measuring 45 kanals located at village Kot Kalan and Nangal Karar Khan in the area of District Jalandhar. Complainant further alleged that he neither visited at any time to Gurdaspur nor executed any Power of Attorney in favour of Gurvinder Singh. Gurvinder Singh further executed Special Power of Attorney in respect of land measuring 27 kanals situated at village Nangal Karar Khan in favour of Deepak Uppal resident of Kapurthala, in the office of Sub Registrar, Jalandhar and said General Power of Attorney was witnessed by petitioner – Harjinder Singh being Lambardar of the area. Further the case of complainant is that Deepak Uppal transferred aforesaid 27 kanals situated at village Nangal Karar Khan in favour of Karajwinder Singh son of Mukhtiar Singh and Rajinder Kaur wife of Sukhdev Singh.

4. Undisputably, Harjinder Singh is a witness to General Power of Attorney in favour of Deepak Uppal, executed by Gurvinder

Singh whereas Karajwinder Singh purchased the property from Deepak Uppal. Moreover, Gian Kaur, who was also a marginal witness of sale deed stated to be executed by Jagroop Singh and Deepak Uppal in favour of Rajinder Kaur and Karajwinder Singh, has already been granted the concession of bail by a Coordinate Bench of this Court vide order dated January 19, 2015 in Criminal Miscellaneous No.M-37136 of 2014.

5. Petitioner – Harjinder Singh is in custody since January 7, 2015 whereas petitioner – Karajwinder Singh is suffering incarceration since August 21, 2014.

6. The factual position has not been disputed by learned State counsel and trial is also not going to be concluded in the near future.

7. In the light of aforesaid discussion and without commenting on merits of the case, both the petitions are accepted and petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of Trial Court/Duty Magistrate.

8. While parting with this order, it is made clear that anything observed in this order shall have no bearing on the merits of the main case and observation, if any made, shall remain limited to the disposal of these petitions.

May 06, 2015
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(Jaspal Singh)
Judge