

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc.No.M-13126 of 2015(O&M)

Date of Decision : 23.07.2015

Iqbal Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. Aman Dhir Advocate for the petitioner

Mr. P.J.S.Hundal, AAG, Punjab

Mr. B.S.Sidhu, Advocate for the complainant

MAHESH GROVER, J.

The petitioner prays for grant of regular bail in terms of Section 439 Cr.P.C in case FIR no. 4 dated 8.1.2014 registered under Sections 406, 420, 120-B IPC at Police Station City Malout, District Sri Muktsar Sahib.

The allegations against the petitioner are that he while acting as a power of attorney holder on behalf of real owners of the property sold it to the complainant even though the said property was mortgaged to the Bank. The complainant demolished the property to set up a new shop and subsequently it was discovered that there was a decree passed by learned Addl. District Judge, Muktsar Sahib against the very same property. In this manner, the petitioner had duped him.

Learned counsel for the petitioner contends that he had only acted as a power of attorney holder and the owners are the persons who are ordinarily responsible for concealing the fact of mortgage from the petitioner as well.

Learned counsel for the complainant states that he has clearly been duped by the petitioner as he (petitioner) is the brother of the real owners and acted as a power of attorney and thus he cannot plead that he

had no idea about the mortgage.

Petitioner is in custody since 16.3.2015 and challan has already been submitted. Evidently the petitioner would be subjected to the rigors of the trial. No doubt his offence is serious but keeping the petitioner in custody for a longer period is not likely to serve any purpose as investigation is complete and the trial may take some time. Hence, instant petition is allowed. It is directed that the petitioner be released on bail in terms of Section 439 Cr.P.C. Bail to the satisfaction of the learned Trial Court.

Nothing said herein shall be construed to be an expression on the merits of the case.

July 23, 2015
rekha

(Mahesh Grover)
Judge