

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No.M-26033 of 2015
Date of Decision:- 28.08.2015

Dilbagh Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Vivek Salathia, Advocate, for the petitioner.

Mr. A.S. Kler, Additional Advocate General, Punjab
for the State.

Mr. Balbir Singh Jaswal, Advocate, for the complainant.

SHEKHER DHAWAN, J.

Petitioner has filed the present petition under Section 439 Cr.P.C. for releasing him on regular bail in a case bearing FIR No.64 dated 24.06.2015, under Sections 420, 423, 467, 468, 471 and 120-B IPC, registered at Police Station Verowal, District Tarn Taran.

Learned counsel for the petitioner took the plea that he has been falsely implicated in this case. In fact, he was complainant and victim of this case but he has been arrayed as an accused. Petitioner was owner of 43 kanals of land. Agreement of sale was executed and sale deed in favour of complainant Gurmit Singh for a sum of ₹38,40,000/-. The payment of ₹18,40,000/- was made through cheques and remaining amount of ₹20,00,000/- was to be made at a later stage. On the day of registration of sale deed, Gurmeet Singh issued three post dated cheques in favour of

petitioner with the assurance that cheques would be duly honoured. Later on, the petitioner came to know that Gurmit Singh in connivance with Sukhdev Singh, Amarjit Singh and Amrik Singh have prepared a forged receipt of ₹20,00,000/-, which was signed by Sukhdev Singh as a witness and on the basis of the forged receipt the complainant attempted to get the mutation of the land sanctioned in his favour. Petitioner approached the fingerprint and handwriting expert and got his signatures and thumb impression compared with the signature and thumb impression on the receipt (Annexure P-3). As per report, the receipt does not belong to the present petitioner and sanctioning of mutation was forged before revenue authorities and by twisting the fact the present FIR was registered against the petitioner. Now, the petitioner is in custody since 26.06.2015 although he is innocent and in fact the present petition is a counter-blast to the criminal complaints pending against complainant at the instance of petitioner. The trial of the case still to take some more time. So, he be released on regular bail.

Learned State counsel as well as counsel for complainant opposed the bail application on the ground that thumb remarks got compared from expert as well. The inquiry was conducted by SSP regarding sanctioning of mutation. The forgery was actually done by petitioner. So, the present petitioner does not deserve the concession of regular bail.

Having considered the rival submissions and the fact that the execution of receipt of ₹20,00,000/- itself in controversy, which requires determination and decision by trial in the case. Both the parties put their conflicting claims, as to who had committed the forgery.

Without expressing anything on merits of the case, at this stage, the petitioner who is in custody since 26.06.2015 and the fact that trial of the case still to take some more time, the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

August 28, 2015
naresh.k

(**SHEKHER DHAWAN**)
JUDGE