

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Misc. M- No. 31377 of 2014 (O&M)

Date of decision : 19.02.2015

Ajay Ghai

.....Petitioner

Versus

U.T. Chandigarh

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Rajnikant Upadhyay, Advocate
for the petitioner.

Mr. J.S. Toor, APP for U.T., Chandigarh.

LISA GILL, J.

This order shall Criminal Misc. M- Nos. 31377 of 2014
(Ajay Ghai Versus U.T. Chandigarh) and 37400 of 20144 (Parminder
Pal Singh Walia versus U.T. Chandigarh).

The petitioners pray for bail pending trial in FIR No. 382
dated 05.07.2013 registered under Sections 419, 420, 467, 468, 471,
474, 120-B IPC at Police Station City Manimajra, Chandigarh.

As per the prosecution version, the petitioners are
involved in fraudulent sale of House No. 695, Sector 20, Chandigarh.
Forged and fabricated power of attorney of original owner Gulzari Lal
Rathour had been prepared whereas said Gulzari Lal Rathour had
passed away about 15/16 years prior thereto.

On the basis of these documents, they entered into an
agreement to sell with the complainant. The complainant came to
know these facts when none came present for execution of the sale
deed on the stipulated date. It is on subsequent inquiry by him it

came to light that the owner Gulzari Lal Rathour has since passed away and the house in question had been sold by him in his life time to one Arjun Dass, an NRI by registered sale deed dated 10.06.1971. Necessary corrections in the records of the Estate Officer had not been made and the house still stood in the name of Gulzari Lal Rathour. It is contended that the petitioner – Ajay Ghai is in custody since 24.07.2013 and petitioner – Parminder Pal Singh Walia has been in custody since 10.07.2013. There is no progress in the trial. The charges were framed on 02.09.2014 and no evidence has been led till date.

Learned counsel for the U.T., Chandigarh, on instructions from Sub Inspector Manjit Singh, verifies that no evidence in this case has been led.

The petitioners have undoubtedly been in custody since July 2013. Challan/report under Section 173 Cr.P.C. has been presented and charges framed on 02.09.2014. Admittedly, there is hardly any progress in trial. No useful purpose shall be served by keeping the petitioners incarcerated any longer.

Keeping in view the facts and circumstances but without expressing any opinion on the merits of the controversy, it is considered just and expedient to allow this petition.

Consequently, the petitioners shall be released on bail pending trial subject to their furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court.

February 19, 2015

rts

(LISA GILL)
JUDGE