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

CRM-M-32289-2015 (O&M)

Date of decision: 31.10.2015

Hardev Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. B.S. Rana, Senior Advocate with
Mr. Viren Jain, Advocate and
Mr. Gagandeep Rana, Advocate
for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. S.D. Sharma, Senior Advocate with
Mr. Abhay Gupta, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

CRM-35841-2015

Applicant seeks addition of offences under Sections 465, 467, 468, 71 of the Indian Penal Code ('IPC' for short) in the head note and para 1 of the main petition filed by him under Section 439 of the Code of Criminal Procedure ('Cr.P.C.' for short), seeking bail pending trial in FIR No.194 dated 01.09.2014 under Section 406, 420, 120-B IPC, registered at Police Station Division No.5 Civil Lines, District Ludhiana.

After hearing learned counsel for the applicant, application is allowed, as prayed for. Amended petition is also permitted to be placed on record.

CRM stands disposed of.

CRM-M-32289-2015

Petitioner seeks bail pending trial in FIR No.194 dated 01.09.2014 under Section 406, 420, 120-B IPC and Sections 465, 467, 468, 471 IPC (added later on), registered at Police Station Division No.5 Civil Lines, District Ludhiana.

Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He has nothing to do with the property allegedly sold. Neither he was signatory to the sale deed nor he was beneficiary thereof. He further submits that since the report under Section 173 (2) Cr.P.C. has been presented and charge is yet to be framed, conclusion of trial will take long time. Learned Senior Counsel for the petitioner would submit that at the most, it would be a case of civil nature and civil suit filed by the complainant is already pending. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned Senior Counsel for the complainant submit that petitioner has played a fraud with his own sister, by suffering the sale deed of her property behind her back. They further submit that since the allegations against the petitioner are direct and serious, he is not entitled for bail pending trial, at this stage. They pray for dismissal of the present petition.

Having heard learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because in the given fact situation obtaining in the present case, it shall be a debatable issue

before the learned trial Court, as to whether petitioner has actively participated in the commission of offence or not, as alleged against him. Further, since the prosecution evidence is yet to start, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

31.10.2015
vishnu