

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

**Criminal Misc. No.M-35144 of 2014
Date of Decision: January 20, 2015**

Tejpal Singh & Anr.

...Petitioners

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Jagjit Singh Lalli, Advocate,
for the petitioners.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Mr.Nakul Sharma, Advocate,
for the complainant.

Naresh Kumar Sanghi, J.

Prayer in this petition is for grant of regular bail to the petitioners, namely, Tejpal Singh and Harmanjit Singh, who have been booked for having committed the offences punishable under Sections 120-B, 420, 467, 468 and 471, IPC, in a case arising out of FIR No.71, dated 13.06.2014, registered at Police Station, Raikot, District Ludhiana.

Learned counsel for the parties are *ad-idem* that during pendency of the present petition, Tejpal Singh, petitioner No.1, has since died, therefore, the present petition does not survive qua him.

Learned counsel for the petitioners submits that there

is no evidence qua petitioner No.2, Harmanjit Singh, that he had conspired with his father, Tejpal Singh (petitioner No.1) or he committed cheating or forged the documents; the offences for which petitioner No.2 has been booked are triable by learned Judicial Magistrate Ist Class; and that after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has already been presented before learned court below. He further submits that petitioner No.2 has already suffered sufficient incarceration since he is behind the bars from 13.06.2014.

Learned counsel for the State, on instructions from ASI Jasbir Singh, Police Station, Raikot, District Ludhiana, very fairly concedes that except the disclosure statement of Tejpal Singh (since deceased), there was no direct evidence showing that petitioner No.2, Harmanjit Singh, had forged the documents or committed cheating with any person. However, he submits that petitioner No.2, Harmanjit Singh, being the beneficiary, it can be assumed that he was the person who committed the cheating and forgery. He further concedes that petitioner No.2, Harmanjit Singh, is behind the bars from 13.06.2014 and after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has already been submitted before court below. He also concedes that all the offences for which

petitioner No.2 is booked are triable by learned Judicial Magistrate Ist Class.

Learned counsel for the complainant in addition to the submissions made by learned counsel for the State submits that during the course of investigation, father of petitioner No.2 in so many words admitted that the documents were forged by Harmanjit Singh, therefore, he should not be granted bail.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on record.

The sanctity of disclosure statement of Tejpal Singh involving Harmanjit Singh in the present case would be moot point during the course of trial. Petitioner No.2 is behind the bars from 13.06.2014. After completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has already been submitted before learned Area Judicial Magistrate. All the offences for which petitioner No.2 is booked are triable by learned Judicial Magistrate Ist Class.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioner No.2-Harmanjit Singh, s/o Tejpal Singh, r/o Village Kaunke Kalan, Police Station, Sadar, Jagraon, District Ludhiana, is ordered to be released on bail during pendency of the trial,

subject to his furnishing bail bonds to the satisfaction of learned

trial court.

January 20, 2015
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(Naresh Kumar Sanghi)
Judge