

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

CRM-M-40183 of 2015(O&M)
Date of decision : 08.12.2015

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. TPS Tung, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted with ASI Sukhvinder Singh

Mr. Ramandeep S. Pandher, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.23 dated 19.06.2005, registered under Sections 419, 465, 467, 468, 471, 120-B of the Indian Penal Code, (for short, 'the IPS') at Police Station Mehal Kalan, District Barnala.

The learned counsel, inter alia, contends that the complainant is neither the owner nor in the possession of the alleged land. The land in question is in possession of Hardev Singh, which was allegedly sold by one Mukhtiar Singh. The petitioner has been falsely implicated in the FIR, being the nephew of said Mukhtiar Singh, who had already been admitted to bail by this Court vide order dated 29.04.2014 in CRM-M-13450 of 2014. The

petitioner has been summoned under Section 319 Cr.P.C. and is in custody since 26.10.2015.

The learned State counsel as well as learned counsel for the complainant oppose the prayer of bail and states that the petitioner in connivance with Muktiar Singh sold the land of Hardev Singh, who was residing in Malaysia, by impersonating Muktiar Singh as Hardev Singh.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is summoned under Section 319 Cr.P.C.; the allegations against the petitioner are triable by the Court of Judicial Magistrate and the sale in question was carried out in the year 1987, the petitioner deserves the concession of bail.

In view of above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Barnala.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

08.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE