

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6302 of 2016

- Harjinder Singh Bhatiya S/o Late Avatar Singh Bhatiya Aged About 52 Years By Caste Sikh, R/o Budhwaripara, Ward No. 15, Dongargarh, District Rajnandgaon, Chhattisgarh. --- **Applicant**

Versus

- State of Chhattisgarh through Police Station Baghnadi, District Rajnandgaon, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Parag Kotecha, Advocate.
For the Respondent	:	Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 19 of 2016 registered at P.S. Baghnadi Distt. Rajnandgaon for the offence (C.G) for the offence punishable under Sections 420, 467, 468, 471 of IPC.
2. As per the prosecution case, a report was made by one Uday Ram Patel on 30.05.2016 that the applicant alongwith other co-accused conspired to get the sale deed executed by way of forged power of attorney which was got executed in favour of seller Naresh Kumar and subsequently the land belonging to Uday Ram Patel bearing Khasra No.109/7 admeasuring 4 acres was sold to Sukhvinder. It is alleged that the present applicant has conspired to get the forged power of attorney and thereby got the sale deed executed in favour of Sukhvinder.
3. Learned counsel for the applicant would submit that except the oral statement of Shyam Kumar and Samay Lal, no evidence is existing against the applicant and Naresh Kumar has sold the property on the

strength of alleged power of for a valuable consideration to Sukhvinder and no iota of evidence is available against the present applicant. He further submits that the charge sheet in this case has been filed; no further investigation is necessary and the trial may take some time therefore the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents. A perusal of the case diary and documents it would show that on the basis of power of attorney which was alleged to be forged, a sale deed was executed by Naresh Kumar in favour of one Sukhvinder in the year 2011. The case diary do not show that the power of attorney is part of the record. However, counsel for the applicant has placed the power of attorney for perusal which appears to be a registered one.
6. Considering the fact that the incident appears to be of the year 2011 whereas the report was made in the year 2015 and further taking into the evidence which appears to be documentary in nature as also the fact that the charge sheet has been filed as stated by learned counsel for the applicant, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**