

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

CRM-M No.22399 of 2016
Date of decision: 25th October, 2016

Baldev Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. KBS Mann, Advocate for the petitioner.

Mr. J.S. Brar, Asstt. Advocate General, Punjab
for the respondent/State.

Mohd. Imran, Advocate for
Mr. Gulab Nabi Malik, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Baldev Singh in this petition filed under Section 439 Cr.P.C. seeking regular bail in case FIR No.05 dated 21.04.2015 registered at Police Station NRI Bathinda under Sections 420/467/468/471/120-B IPC, are that initially he was given power of attorney on 12.07.1996 by the complainant Harnek Singh, real brother of the petitioner Baldev Singh, regarding his immovable property which in fact is alleged to have been cancelled on 05.07.2006 without issuing notice to the agent of the principal and under that very authority it is alleged that the petitioner has executed a sale deed on 30.06.2014 selling the property of the complainant measuring more than 16 acres.

Contentions of the learned counsel for the petitioner are that the petitioner is in custody since 02.02.2016 and that the principal has failed to duly serve upon the agent, the present petitioner, notice of cancellation of this authority by way of power of attorney and thus, the question of mala fide and intentional fraud by the petitioner is subject matter of evidence.

The factual scenario could not be displaced by learned State counsel assisted by learned counsel representing the complainant Mohd. Imran, Advocate appearing on behalf of Mr. Gulab Nabi Malik, Advocate.

Keeping in view the period of incarceration and a debatable issue having arisen over the legality and validity of the agent to act on behalf of the principal which is a matter to be decided at the trial and the fact that the trial will take a long time to conclude, this Court is of the opinion that further detention of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Bathinda.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

October 25, 2016

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No