

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

(203)

CRM-M-31111-2016

Decided on: September 30, 2016.

Ram Niwas

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Navneet Singh, Advocate, for the petitioner.

Mr. Gurdas Singh Salwara, DAG, Haryana.

Mr. Deepak Vashisth, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner has been in custody w.e.f. 01.06.2016 in a case registered at the instance of Phool Singh alleging that a sale deed of land measuring 8 kanals 3 marlas in the name of Devat Ram who had died in the year 1954, was forged alienating the property in the name of Mukesh wife of the petitioner in a fraudulent manner. Co-accused Ranbir Singh Numberdar and Vikram had identified the impersonator and land was transferred in the name of wife of the petitioner.

Learned counsel for the complainant has intervened to oppose application for bail contending that in case of bail the petitioner is likely to prejudice the fair trial by tampering the evidence. He has also contended that impersonator Harbhajan Singh had stated that it was the petitioner who was kingpin of the entire forgery.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and gone through the record.

So far as the claim of the complainant regarding property of Devat Ram deceased having been alienated by impersonator, is concerned, it is debatable at this stage whether the complainant is one of the heirs of Devat Ram or any prejudice has been caused to him. Besides this, challan has already been presented before the trial Court. Custody of the petitioner during the entire period of trial, will not in any manner benefit the prosecution.

On asking of the Court, it has been informed that till date, validity of sale deed dated 15.10.2015 has not been questioned before any Civil Court.

It appears that the complainant has filed a suit for injunction only claiming him to be in possession of the property belonging to Devat Ram.

In view of the totality of the abovesaid circumstances, the petitioner can be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing said in this order will prejudice the rights of the complainant or the petitioner in any manner.

(M.M.S. BEDI)
JUDGE

September 30, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No