

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

(221)

CRM-M-42222-2015

Decided on: January 19, 2016.

Sarabjit Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Deepak Bhardwaj, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

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

Petitioner is alleged to have sold the land of owner Sher Singh on the basis of a fake power of attorney to Jasbir Singh for consideration of Rs.25,40,000/- whereas the land stood already taken by the forefathers of the complainant from Sher Singh. The complainant is allegedly cultivating the land in dispute.

On asking of the Court, it has been informed that Jasbir Singh has neither lodged any complaint nor he has any grievance against the alleged act of the petitioner.

The locus standi of the complainant will certainly be a debatable issue in view of judgment of Supreme Court in **Mohd. Ibrahim and others Vs. State of Bihar and another, 2009 (3) SCC (CRI) 929**. The petitioner has been in custody w.e.f. 06.12.2014.

Challan has already been presented. No useful purpose will be served by keeping the petitioner in custody.

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 parties in any civil litigation regarding determination of the ownership rights in the property.

(M.M.S. BEDI)
JUDGE

January 19, 2016
harsha