

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

**CRM-M No.5012 of 2016 (O&M)
Date of Decision: 16.03.2016**

Gurdial Singh and another

..... Petitioners

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Guninder Singh Brar, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by H.C. Surender Singh.

Mr. Gautam Kaile, Advocate for
Mr. Bhupinder Singh Saroha, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioners, namely, Gurdial Singh and Gurchain Lal, in case FIR No.160 dated 31.10.2014, for the offences punishable under Sections 420, 465, 467, 468, 120-B of the Indian Penal Code, registered at Police Station Nurpur Bedi, District Rupnagar (**Annexure P-1**).

As per the allegations, both the petitioners/accused are the attesting witnesses to a forged agreement to sell dated 27.07.2013 and allegedly executed by Iqbal Singh during his lifetime, before his death on 06.11.2013 regarding sale of 52 Kanals and 10 Marlas of land, owned by him. A suit for specific performance filed by co-accused Kuldeep Sharma based on the said forged agreement to sell stands filed wherein the authenticity of the said agreement to sell is an issue, yet to be decided.

It is contended that both the petitioners are in custody since 19/18.10.2015 and after completion of the investigation, challan stands presented. Learned Counsel for the petitioners further submits that the charges are yet to be framed and there are 12 cited prosecution witnesses. He further submits that the case is triable by a Magistrate.

Learned State Counsel, assisted by HC Surender Singh, does not refute the aforesaid factual position.

Without commenting on the merits of the case, keeping in view the custody period, the fact that case is triable by a Magistrate and after presentation of the challan, trial is not likely to be concluded in near future, this Court finds that both the petitioners/accused deserve the concession of regular bail and as such they are ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

March 16, 2016

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(JASWANT SINGH)
JUDGE