

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

**CRM-M No.9708 of 2016 (O&M)
Date of Decision: 18.05.2016**

Kuldeep Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Satwant Singh.

Mr. Jagjot Singh, 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 petitioner/accused-Kuldeep Sharma 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, the petitioner/accused is the kingpin in forging an agreement to sell dated 27.07.2013, allegedly executed by the owner-Iqbal Singh during his lifetime (died on 06.11.2013) regarding sale of 12 Kanals and 10 Marlas of land in favour of the petitioner/accused. An earnest money of Rs.16 lacs is also alleged to have been received by the owner-Iqbal Singh.

It is contended that a suit for specific performance stands instituted by the petitioner/accused wherein the authenticity of the allegedly

forged agreement to sell would be an issue to be decided on evidence. It is next contended that the petitioner is in custody since 11.10.2015 and after presentation of the challan, charges have been framed and evidence of 12 cited prosecution witnesses is yet to commence. It is further contended that the case is triable by a Magistrate.

Learned State Counsel, assisted by H.C. Satwant Singh, does not refute the aforesaid factual position.

Learned Counsel for the complainant vehemently opposes the grant of bail.

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

Disposed of.

May 18, 2016
Gagan

(JASWANT SINGH)
JUDGE