

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

Criminal Misc. No. M-35637 of 2017

Date of Decision:-07.10.2017

Jai Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. C.B. Goel, Advocate and
Mr. Yogesh Goel, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

Mr. Rahul, Advocate
for the complainant.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Jai Singh in this regular bail application under Section 439 Cr.P.C. in case FIR No.96 dated 13.7.2017, under Sections 420, 506 IPC (Sections 467, 468, 471 and 34 IPC added later on), Police Station Bapoli, District Panipat, are that the petitioner and complainant Jage Ram are real brothers and on account of property dispute between two sides and on the averments alleged by the complainant that the accused have fraudulently obtained his thumb impressions on General Power of Attorney as well as on Will, leading to registration of the present case and the petitioner was arrested on 30.8.2017.

The contentions of petitioner's counsel are that it is only

property dispute, which itself has been admitted by the complainant. However, the thumb impressions on the documents taken and the element of fraud or misrepresentation is the subject matter of evidence during the trial.

Learned State counsel assisted by Mr. Rahul, Advocate, who has sought to oppose the grant of bail to the petitioner on the ground of heinousness of offence and seriousness of allegations and prays that the complainant may be allowed to be examined before the present matter is adjudicated.

Appreciating the submissions and its admitted stance of the accused side that at this juncture there is no evidence to show that any forgery or impersonation has been committed and it is the own stand of the complainant that he has thumb marked two documents, culpability of which, if any, shall be determined during the trial. Keeping in view the period of incarceration undergone by the petitioner 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, Panipat.

The petition stands disposed off accordingly.

October 07, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No