

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

CRM-M No.9697 of 2017

Date of decision: 26th May, 2017

Rajiv Bhatia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Nitin Kaushal, Advocate for the petitioner.

Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab
for the respondent/State.

Mr. K.S. Dadwal, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Rajiv Bhatia in this third petition seeking regular bail under Section 439 Cr.P.C. in case bearing FIR No.242 dated 14.12.2015 under Sections 420/465/466/468/471/472/474/120-B IPC pertaining to Police Station Navi Baradari, District Jalandhar City by the complainant Prempreet Singh are that the petitioner had prepared a fabricated document of Citi Financial Bank and used against the complainant who is working as a Pharmacist when earlier the complainant had purchased a residential quarter from the petitioner which the complainant alleges was purchased by the petitioner through fraud vide sale deed No.8348 dated 27.12.2004 from one Kuldeep Kaur. It was subsequent to this alienation by the petitioner in favour of the complainant, the petitioner started demanding more money leading to

filing of multiple civil and criminal cases by the petitioner against the complainant. Though the matter had been compromised whereby the complainant claims that he has paid Rs.8.00 lacs to the petitioner but in spite of the same he is being harassed and threatened and claims that the agreement to sell on the basis of which the petitioner has purchased the property from Kuldeep Kaur was shown to be dated 20.12.2004 when it was 16.12.2004.

Contentions of learned counsel for the petitioner Mr. Nitin Kaushal, Advocate are that the petitioner is in custody since more than 1 year 3 months and that the parties are litigating in a Court of law and it was animosity between the two sides has led to filing of various cases and that the actual document has never been brought on record nor proved to be a fabricated one and offence under Section 467 IPC has since been deleted during investigations and that in fact it was the petitioner who had initially lodged FIR first in point of time against the present complainant and the present case is a counterblast to the same.

Learned State counsel Mr. Gurveer Sidhu, Asstt. Advocate General, Punjab assisted by Mr. Krishan Singh Dadwal, Advocate representing the complainant has stoutly opposed grant of bail to the petitioner on the grounds of seriousness of allegations and heinousness of the offence and that the petitioner is instrumental in defrauding the complainant and thus if allowed bail would certainly influence the witnesses, and prayed for dismissal of the bail application.

Appreciated the submissions, it is by no means disputed even

by the State that earlier two similar bail applications of the petitioner

were not decided on merits and that the petitioner has undergone substantial period of incarceration of 1½ years. The trial is yet to start. Admittedly, the parties are litigating in a Civil Court as well and the offence under Section 467 IPC has already been deleted by the investigating agency as per the statement made by learned State counsel. It is also not put to question that prior to the present case the petitioner has lodged criminal case against the present complainant, are matters which certainly needs to be considered. The learned State counsel with all fairness concedes that there is no report of expert to prima facie show at this stage forgery or fabrication. Culpability, if any, would be determined at the trial. Without feeling necessity to advert on to the merits of the case having regard to the period of incarceration undergone and the fact that trial is not likely to conclude in near future, impels this Court to release the petitioner on bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 26, 2017

rps

Whether speaking/reasoned Yes/No

Whether reportable Yes/No