

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

CRM-M No.12786 of 2018 (O&M)

Date of Decision: 17.05.2018

Jasbir Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jatinder Pal Singh, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. G.S. Sidhu, Advocate
for the complainant.

DAYA CHAUDHARY, J. (ORAL)

CRM No.17796 of 2018

This application has been moved for placing on record
Annexure P-4.

Criminal Misc. Application is allowed and Annexure P-4 is
taken on record.

CRM No.17797 of 2018

This application has been moved for addition of offence under
Section 419 IPC along with other sections.

Criminal Misc. Application is allowed. Offence under Section
419 IPC along with other sections is allowed to be added in the head note
as well as in the prayer clause of the main petition.

Criminal Misc. Application is accordingly disposed of.

CRM-M-12786 of 2018

This petition has been filed under Section 439 Cr.P.C for grant

of regular bail to the petitioner in case FIR No.09 dated 15.01.2018 registered under Sections 420, 465, 467, 468 and 471 IPC at Police Station Cantt. Ferozepur, District Ferozepur as well as Section 419 IPC, which was added later on.

Learned counsel for the petitioner submits that in the initial application moved by the complainant, the name of the petitioner was not mentioned as to against whom the action was sought by him. As per allegations in the FIR, the only role has been attributed to the petitioner is that he had previous acquaintance with the vendee and had stood on behalf of the vendee on the asking of the vendee as Jasbir Singh at the time of registration of the sale deed. There was no impersonation on behalf of the petitioner. Learned counsel also submits that on the asking of the vendee, Rs.04 lacs were deposited by the vendee through RTGS in the account of the petitioner and he further transferred in the account of Jagmeet Singh and the petitioner did not keep any amount with him. Learned counsel also submits that the complainant has no grievance as the amount which was given to Jagmeet Singh has been returned to him. Learned counsel also submits that a separate FIR was registered for taking action. Petitioner is in custody since 30.01.2018 and his co-accused, namely, Gurmeet Singh has been released on regular bail by the Additional Sessions Judge, Ferozepur vide order dated 09.03.2018. Learned counsel also submits that only the challan has been presented and even charges have not been framed. The trial may take long time to conclude and no useful purpose would be served by keeping the petitioner behind bars.

Learned counsel appearing on behalf of the complainant has also affirmed the fact that the amount has been returned to the complainant and he has no grouse against the petitioner in any manner.

Learned State counsel has not disputed the custody period but

has opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner has committed a serious offence of not only the acceptance of amount but for supporting the person who impersonated himself as vendee.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

As per submissions made by learned counsel for the petitioner, the petitioner was with the vendee at the time of registration of the sale deed and it was not a case of impersonation. The complainant has no grievance against the petitioner as no amount was kept by the petitioner and it was deposited in the account of one other person and thereafter it was returned to the complainant. The investigation has been completed and nothing is to be recovered from the petitioner. The trial may take some time to conclude and moreover, the petitioner is in custody since 30.01.2018.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

17.05.2018

gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No