

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

**CRM-M-13675-2018
Date of decision: 21.11.2018**

Rachpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, DAG, Punjab.

Mr. Sherry K. Singla, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 1 dated 24.01.2018, under Sections 420, 465, 467, 471 and 120-B of the IPC, registered at Police Station NRI Sangrur, District Sangrur.

On 11.10.2018, the petitioner was granted interim bail by passing the following order:

“Counsel for the petitioner has submitted that the petitioner is in judicial custody since 28.01.2018; the investigation is complete; challan has been presented; charges have been framed and it will take some time in conclusion of the trial as the case is triable by the Court of Magistrate. Counsel for the petitioner has further submitted that as per the FIR, the allegations are that the petitioner impersonated himself as Jarnail Singh and has got executed a GPA dated 19.04.2005 and on the basis of the same, transferred

the shop and house in favour of coaccused namely Gurdeep Singh, which belong to the complainant – Jaswant Kaur, mother of Gurdeep Singh. It is further submitted that the petitioner is the real brother of Jaswant Kaur and an FIR has been regi after a long lapse of 13 years. Counsel for the complainant has, however, opposed the prayer for bail on the ground that there are specific allegations against the petitioner that he has impersonated himself as Jarnail Singh. Counsel for the State, on instructions from SI Kulwant Singh, has not disputed the fact that charges have been framed. At this stage, counsel for the complainant has argued that the anticipatory bail application filed by co-accused – Gurdeep Singh i.e. CRM-M No.12763 of 2018 is pending before this Court for 21.11.2018 and the matter has been referred to the Mediation and Conciliation Centre. Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial custody since 28.01.2018; the investigation is complete; challan has been presented; charges have been framed, the trial Court/Duty Magistrate is directed to release the petitioner on interim bail subject to his furnishing bail/surety bonds. List again on 21.11.2018.”

Learned counsel for the petitioner submits that petitioner is regularly appearing before the trial Court and has not misused the concession of interim bail. It is further submitted that petitioner is no more required for further investigation and he has undergone custody of about 9 ½ months and since the charges have been framed and the offences are triable by the Court of a Magistrate, the order dated 11.10.2018 may be confirmed.

Learned State counsel, on instructions from ASI Varinder Kumar, assisted by learned counsel for the complainant, has not disputed the aforesaid facts.

In view of the above, without commenting anything upon the merits of the case, this petition is allowed and order dated 11.10.2018 is made absolute.

November 21, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No