

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

**Criminal Misc. No. M-14297 of 2018 (O&M)
Date of decision: 31.08.2018**

Harbhajan Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab
for the respondent -State.

Mr. H.S. Dhindsa, Advocate
for the complainant.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioner-Harbhajan Singh under Section 439 Cr.P.C. for grant of regular bail to him in case FIR No.17 dated 16.02.2018 registered under Sections 419, 420, 465, 467, 468, 471 read with Section 120-B of Indian Penal Code at Police Station Chattiwind, District Amritsar (Rural).

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case at the instance of the complainant and has not been named in the FIR. A Civil litigation is pending between the parties and the mutation proceedings were sanctioned in favour of co-accused-Satinder Singh. The complainant has filed appeal against said order, which is still pending. Learned counsel further submits that in the civil suit, Will dated 13.12.2015 is subject matter of challenge, which is also the allegation in the present case. The execution of Will has been disputed

by the complainant and criminal shape has been given to the civil litigation. The petitioner is in custody since 18.03.2018 and the offence is triable by the Magistrate. No purpose would be served by keeping the petitioner in custody.

Learned State counsel has not disputed the custody period and pendency of civil litigation between the parties.

Learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner keeping in view the seriousness of the offence.

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

Admittedly, civil litigation is pending between the parties and the dispute is of the will executed by deceased-Swaran Singh. The order passed by the Assistant Collector Ist Grade is in favour of one of the accused, namely, Satinder Singh and thereafter, the appeal has been filed by the complainant, which is still pending. The offence is triable by the Magistrate and no purpose would be served by keeping the petitioner in custody. The petitioner is in custody since 18.03.2018.

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

31.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No