

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42939-2018 (O&M)

Date of decision:22.10.2018

Harjinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Sukhdev Singh Khokher, Advocate for
Mr. Vikram Singh Chahal, Advocate, for the petitioners.

Mr. K.S.Aulakh, DAG, Punjab.

Mr. J.S.Mahal, Advocate for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.14 dated 05.02.2011 under Sections 420, 467, 468, 471, 120-B of IPC, registered at Police Station Chattiwind, District Amritsar.

Learned counsel for the petitioners contends that the FIR is of the year 2011 whereas the petitioners were arrested in this case in the year 2018 only. This itself shows the staleness and falsity of the claim of the complainant. It is further contended that the complainant has lost even before the Civil Court. The complainant had filed civil suit challenging the family settlement; on the basis of which the mutation was registered, and consequent to which the petitioners had purchased the property. However that version of the complainant have not been found to be proved by the Civil Courts. It is further contended by the counsel that the petitioners are in custody since 07.08.2018 and they are not required for any further investigation purposes.

On the other hand, learned State counsel, being instructed by

ASI Sukhwinderjit Singh submits that challan is ready and it is likely to be filed very soon. However, learned State counsel does not dispute the fact regarding the custody of the petitioners or the fact that civil suit filed by the complainant has since been dismissed.

Learned counsel for the complainant submits that the civil suit was dismissed only on technical ground that alleged family settlement could not be produced before the trial Court, being in exclusive possession of the accused. Therefore, it is contended that the finding of the civil Court could not be used by the petitioners to their advantage.

Be that as it may, in view of the submission made by counsel for the petitioners, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial subject to their furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

22.10.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No