

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-9442 of 2018

Date of Decision: 31.05.2018

Narinderjeet Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipin Sharma, Advocate
for Mr. S.M. Sharma, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.615 dated 02.12.2015 registered for offences punishable under Sections 420/467/468/471/120-B of Indian Penal Code (for short, "IPC") and 13 (1) (D) of Prevention of Corruption Act, 1988, at Police Station Gannaur, District Sonapat.

Heard.

The petitioner was arrested in this case on 13.02.2015.

Learned State counsel submits that out of 25 the prosecution has examined 7 witnesses so far and the case is now fixed for 11.06.2018.

Facts of the case as incorporated in order (Annexure P-8) passed by learned Sessions Judge, Sonapat while declining bail to petitioner are reproduced as follows:-

"5. As per case of the prosecution, the agriculture land measuring 47 Kanal 9 Marla situated in village Barhi

(also written as Baddi), Ganaur, District Sonipat under the ownership of Okara Group of Companies was attached vide order dated 22.11.2002 passed by the Hon'ble Delhi High Court in a CA (M) 115 of 2002 and 63 of 2002 filed by the creditors, including Kawaljit Singh Kher. Subsequently vide order dated 25.9.2008 the learned Company Judge, in the aforesaid Company petition issued specific direction to the District Collector, Sonipat, Haryana, not to proceed with the sale/auction proceedings in respect of the aforesaid land in question and entries in the revenue record were made. It is also a matter of record that the official Liquidator of Delhi High Court informed the Deputy Commissioner, Sonipat vide his letter dated 23.6.2015 about the pendency of liquidation proceedings regarding Okara Group of Companies and there being a stay with regard to any kind of alienation of the property in question. The Deputy Commissioner further forwarded the letter on 8.7.2015 to Tehsildar, Ganaur for appropriate action and entry in the roznamcha. As per allegations, the applicant – accused in conspiracy with other co-accused, by impersonating as Narenderjeet Singh, had executed sale-deed No.2956 dated 26.10.2015 pertaining to land in question after preparing forged and fake order dated 27.7.2015 of Hon'ble Delhi High Court regarding vacation of stay orders previously passed qua alienation

of land of Okara Agro Industries, situated in village Barhi upon which fake entries in the copy of jamabandi were made. Therefore, in connivance of all the accused, co-accused – Jaibir Malik - Naib Tehsildar, executed sale-deed No.2956 dated 26.10.2015. As per allegations, accused Baldev Singh had impersonated as vendor in place of Narenderjeet Singh, Director, M/s Okara Agro industries, Barhi. Accused Parkash had witnessed the sale-deed. The stay order which was entered in the revenue record of Tehsil Ganaur, was in the notice of revenue staff including accused -Jaibir and allegedly Jaibir Malik received bribe of Rs.four lacs out of which Rs. One lac was allegedly recovered pursuant to his disclosure statement.....”

It has been submitted that four other co-accused have already been released on bail while one of the accused has since been discharged.

Without expressing any opinion on merits of the case and keeping in view the period of incarceration of petitioner and the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Narinderjeet Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the

benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

May 31, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No