

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3249-2019 (O&M)
Date of Decision:- 30.1.2019

Sahab Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

* * * * *

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.313 dated 04.06.2018 at Police Station City Bahadurgarh, District Jhajjar, Haryana under Sections 420, 467, 468, 471 and 506 of Indian Penal Code, 1860.

The FIR was registered at the instance of Sukhbir Singh wherein it has been alleged that he had purchased half share out of plot measuring 800 square yards situated within Municipal Limits of Bahadurgarh District Jhajjar from accused Sahab Singh who was General Power of Attorney of original owner Ajit Singh. It is alleged that before the sale deed had been executed, Sanjay, Vijay and Sonu @ Harender approached the complainant and represented that they know the seller who is in touch with them and that only they can get the deal materialized and they would charge a sum of ₹3 lakhs for the deal. It is alleged that the complainant agreed to the proposal and a sale deed was consequently

executed on 03.11.2011 through General Power of Attorney, Sahab Singh and wherein Vijay appeared on behalf of wife of the complainant. It is further alleged that an amount of ₹3 lakhs was paid to Vijay, Sanjay and Harender @ Sonu. It is further alleged that subsequently when the petitioner decided to raise construction upon the plot in question in March, 2018 then he came to know that in fact the property in question already stood acquired and that the owner i.e. Ajit Singh has also received compensation in respect of same much before execution of the sale deed.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that, in any case, he cannot be said to be a beneficiary. It has further been submitted that the petitioner is aged more than 63 years and that since the co-accused Sanjay, Vijay and Mahipal have already been granted bail, the petitioner also deserves the concession of bail on grounds of parity.

Opposing the petition, the learned State counsel has submitted that since it is the petitioner, who professing himself to be an attorney of Ajit Singh had executed a sale-deed, therefore, his complicity is evident and, as such, he does not deserve the concession of bail. It has, however, been informed that the petitioner has been behind bars since the last more than 4½ months. It has further been informed that the challan has been presented but charges are yet to be framed and that as many as 13 prosecution witnesses have been cited by the prosecution.

Having regard to the facts and circumstances of the case and the fact that the challan has already been presented and the petitioner, who is an aged man more than 63 years old and has been behind bars since the last more than 4½ months and the trial is yet to commence, in my opinion, no

useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Sahab Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly.

30.1.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No