

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

214

CRM-M-39381-2019 O & M)
Date of Decision:19.09.2019

Gagan Garg

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.148 dated 27.04.2019, under Sections 420, 419, 467, 468, 471 and 120-B IPC, 1860, registered at Police Station City Barnala, District Barnala. Petitioner is in custody since his arrest on 01.05.2019.

The prosecution case is that the complainant purchased certain plots of land situated in the area of Handiaya from Priya Bansal and Seema Bansal, who were Khewatdarans in (habitant share-holder in village common land) vide sale deeds dated 28.02.2019 and as such, the

complainant party are in possession of the same as owners. The total sale consideration of Rs.28,00,000/- has been paid to the vendors partly through cheque for Rs.13,40,000/- and rest in cash. The complainant spent Rs.20 lac on the development of the said plot. On 11.04.2019 the complainant and his father were present at the said plot of land where some unidentified persons came. One of them disclosed his name as Parshotam Kumar son of Kewal Krishan resident of Delhi and claimed that the aforesaid plot was in his ownership, but when the complainant told him about the purchase of plot and showed him the sale deeds, the said persons told him that Priya Bansal, Seema Bansal were not even owners of the said plot of land and they have defrauded the complainant and fraudulently executed sale deed without any right. The complainant when contacted the vendors on telephone in this regard, the accused persons started making lame excuses and kept the complainant on dilly-dally.

Learned counsel for the petitioner contends that the allegations in the FIR pertain to the fraudulent transfer of the property in favour of the complainant and the petitioner was accused of preparing the forged documents. He further contends that the investigation of the case is complete and challan has been filed on 30.07.2019. Charges have also been framed on 08.08.2019 against the petitioner. He also contends that other co-accused are yet to be arrested.

On the other hand, learned State counsel assisted by ASI Jagtar Singh has opposed the bail application on the ground that the petitioner prepared the forged documents. However, it is not disputed that out of 16 prosecution witness, no one has been examined till date.

Considering the above background and the fact that the trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

19.09.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No