

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

**CRM-M No. 45379 of 2019
Date of Decision:-01.11.2019**

Balwant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab

MANOJ BAJAJ J.(Oral)

Petitioner-Balwant Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 212 dated 21.11.2017, under Sections 419, 420, 465, 467, 468, 404 and 120-B IPC, registered at Police Station Mehatpur, Jalandhar. The petitioner is in custody since his arrest on 09.8.2019.

The FIR was registered on the complaint of complainant Kulwinder Kaur. As per complainant, her husband Gopal Singh was the owner of land measuring 4 Kanal and 14 Marlas situated in Village Bangiwal. Her husband earlier went to Saudi Arabia to earn livelihood and expired there in the year 2008 in an accident. As per complainant, after the

death of Gopal Singh, her in-laws started harassing her mentally and physically and due to which she went to her parents house. As per allegations accused Harpal Singh, who is her elder brother-in-law (real brother of her late husband Gopal Singh) in connivance with others sold the aforesaid land fraudulently to Kamalpreet Kaur by impersonating himself to be Gopal Singh and also executed a sale deed in favour of Kamalpreet Kaur on 05.9.2016 whereas Gopal Singh had already expired in the year 2008.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that the petitioner being Nambardar, on asking of accused Harpal Singh only identified him but he did not know that Harpal Singh was being identified as Gopal Singh at the time of execution of the sale deed. The petitioner is also not the beneficiary. He also submits that a compromise has also been effected between the parties and a petition in this regard i.e. CRM-M-31454-2019 is also pending before this Court. Learned counsel for the petitioner also refers to the order dated 12.9.2019 passed by this Court in CRM-M-38063-2019 (Annexure P-4) whereby co-accused Harpal Singh and Lakhwinder Singh have been extended the concession of regular bail. He submits that in view of the aforesaid facts, further custody of the petitioner is not justified.

On the other hand, learned State counsel, who is assisted by ASI Tarlochan Singh opposed the prayer. However, it is not disputed the co-accused of the petitioner have been granted the concession of regular bail by this Court.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody 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, Jalandhar.

The petition is allowed.

November 01, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No