

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

CRM-M-64524-2018

Date of Decision:01.03.2019

Ashok Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Brijender Kaushik, Advocate
for the petitioner.

Mr. M.D. Sharma, D.A.G. Haryana.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.327 dated 29.08.2018 registered under Sections 120-B, 419, 420, 467, 468, 471 IPC at Police Station Naraingarh, District Ambala, Haryana.

Learned counsel for the petitioner submits that the name of the petitioner was not mentioned in the FIR. His name has cropped up in the case only through the disclosure statement of the co-accused. Even as per the story of the prosecution, the only allegation against the petitioner is that he identified one Barkat Ram as Rattan Lal who actually owned the land in dispute. It is further submitted by the learned counsel for the petitioner that the petitioner had identified only on the basis of the documents which were shown to him to be of Rattan Lal. Otherwise, the petitioner does not belong to the village of Barkat Ram or Rattan Lal. Still further, it is submitted that by any means, the registration of the sale deed itself has not taken place, therefore, there is no offence of fraud in this case. It is further submitted that the petitioner in in custody since 22.10.2018. Challan has already been filed.

The petitioner is not required for any investigation purposes. There is no other case against the petitioner.

On the other hand, learned State counsel, being instructed by SI Kuldeep Singh submits that the petitioner is directly involved in the offence because he has identified the impersonator of the real owner.

However, it is not disputed that the name of the petitioner was not mentioned in the FIR at the first instance, the petitioner does not belong to the village of either the impersonator or the impersonated person. It is also not disputed that the challan has already been filed in this case.

In view of the above facts and circumstances, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

01.03.2019

rajeev

**(RAJBIR SEHRAWAT)
JUDGE****Whether speaking/reasoned****Yes/No****Whether reportable****Yes/No**