

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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(1) CRM-M-2470-2020(O&M)
Date of decision :10.09.2020

Mohan Singh

.....Petitioner

versus

State of Punjab

...Respondent

(2) CRM-M-2936-2020 (O&M)

Jeet Singh

.....Petitioner

versus

State of Punjab

...Respondent

(3) CRM-M-12805-2020 (O&M)

Rajinder Singh

.....Petitioner

versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aman Chaudhary, Advocate
for the petitioner (CRM-M-2470-2020)

Mr. Beant Singh Seemar, Advocate
for the petitioner (in CRM-M-2936-2020)

Mr. G.S.Punia, Sr. Advocate with
Ms. Harveen Kaur, Advocate
for the petitioner (in CRM-M-12805-2020)

Mr. Amit Mehta, Sr. Deputy Advocate General, Punjab.

ANIL KSHETARPAL, J. (ORAL)

By this order, CRM-M-2470-2020 (**Mohan Singh vs. State of Punjab**), CRM-M-2936-2020 (**Jeet Singh vs. State of Punjab**) and CRM-M-12805-2020 (**Rajinder Singh vs. State of Punjab**) for grant of bail

pending trial arising from FIR No.99 dated 12.05.2017, registered under Section 419/420/467/468/471 IPC, at Police Station City Rajpura, District Patiala, shall stand disposed of.

Mohan Singh and Jeet Singh are in detention since 14.10.2019 whereas Rajinder Singh is in detention since 27.11.2019.

In brief, the case of the prosecution is that Smt. Parkash Kaur is owner of 6 bighas 10 biswas of land situated in village Changeda, Tehsil Rajpura, District Patiala on account of sale deed dated dated 26.04.2012 for an amount of Rs.1,01,57,000/-(One Crore one lac fifty seven thousand). The aforesaid land is alleged to has been transferred by impersonation in favour of the petitioners vide registered sale deed dated 30.09.2015(registered on 06.10.2015)

It must be noticed that the sale deed in favour of the petitioners is for an amount of Rs.80,00,000/- and on careful reading thereof, it is apparent that the entire amount is stated to have already been paid in cash to the vendor in advance. In other words, no amount was paid at the time of registration of the sale deed in the presence of Sub-Registrar. It is alleged that Avtar Singh (Numberdar of the village) in collusion with the petitioners had got the sale deed dated 30.09.2015 executed by producing some other female in the place of the First Informant).

This court has heard learned counsel for the parties at length and with their able assistance gone through the paper book.

Although, the arguments have been addressed at length, however, it would not be appropriate to pass a detailed order thereon, lest it may prejudices the case of any party.

Learned counsel for the petitioners have broadly stated that in

an enquiry held by a Superintendent of Police, it was found that the case of the prosecution was false. They further brought to the notice of the court that the original sale deed dated 26.04.2012 executed in favour of Parkash Kaur was produced by Rajinder Singh-petitioner. They further stated that a civil suit for declaration to the effect that Parkash Kaur continues to be the owner and the alleged sale deed dated 30.09.2015 registered on 06.10.2015 does not affect her rights, is pending adjudication in the Civil Court.

On the other hand, learned State counsel has opposed the prayer while submitting that the petitioners are the vendees of the sale deed and hence, they are the main accused and beneficiaries of the sale deed.

This court has considered the submissions of learned counsel for the parties.

The Police, on conclusion of the investigation, has already presented its report under Section 173 Cr.P.C (Challan) in the court. The trial court has also framed charges. However, the trial of the case has not commenced yet. The case is triable by Magistrate.

The petitioners are in custody for 9-10 months. The prosecution intends to examine 24 witnesses on its behalf, however, as of now, no one has been examined. The conclusion of the trial is likely to take time.

Keeping in view the aforesaid facts and without commenting on merits of the case, further incarceration of the petitioners, at this stage, would not be appropriate. Hence, the petitioners are directed to be released on regular bail subject to furnishing of bail bond with adequate sureties to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, all the petitions are allowed with the aforesaid

directions.

However, keeping in view the facts of the case, learned trial court is requested to make sincere endeavour for expeditious disposal of the trial after normal functioning of the courts resumes.

10th September, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No