

Sr.No.215

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

**CRM-M-4044-2020
Date of decision:04.02.2020**

**Jaswant Singh (Balwant Singh) Nambardar
... Petitioner(s)**

versus

**State of Punjab
... Respondent (s)**

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Gurbachan Singh Bhatia, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for seeking regular bail in FIR No.99, dated 12.05.2017 for the offences punishable under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station City Rajpura, District Patiala.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was only a marginal witness as a Nambardar of the village and that no money was passed in his name by any of the parties and he can not be termed as a beneficiary of the alleged sale deed. He has further submitted that even otherwise, investigation is complete and challan has already been presented qua him. He has further submitted that the marginal witness who was Lamabardar in the earlier sale deed namely, Avtar Singh, is the co-accused in the present FIR and has already been on bail vide Annexure P-7. Learned counsel for the petitioner has submitted that petitioner is in custody since 16.11.2019 and challan has already been presented. Therefore, the petitioner is no more required for any

investigation purposes.

Per contra learned State counsel on instructions from ASI Rajinder Pal states that in the present case, sale deed has been registered on the basis of impersonation by the seller and the purchaser and on which the petitioner has signed as a witness, therefore, he has opposed the grant of bail to the petitioner.

I have heard the learned counsel for the parties and perused the available record. In the present case, it is not disputed that the petitioner was only a witness as Nambardar in the sale deed and investigation of the case is complete. Challan has already been presented qua the petitioner. Petitioner is in custody since 16.11.2019. It appears that the case is based upon the documents which have already been submitted to the police.

Keeping in view the above facts and without expressing any opinion on the merits of the case, the present petition is allowed. After considering the totality of the circumstances of the case, this Court is of the considered opinion that it would be in the interest of justice, to admit the petitioner to bail. Petitioner is granted the concession of regular bail. He be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the concerned Trial Court/Duty Magistrate.

4th February, 2020

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*