

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

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**CRM-M-5213-2020
Date of Decision : 26.02.2020**

Vijay Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. N.S. Shekhawat, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J. (Oral)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.249 dated 20.11.2019 registered under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Julana, District Jind.

Briefly stated the facts relevant for disposal of the present petition are that Aaditya made complaint to the SHO, Police Station Julana, Jind against the petitioner and others regarding the fraudulent execution of sale deed in respect of the land of Harbans in favour of petitioner and Krishan by false personation by some unknown person wrongly identified by Surender, Lambardar on the asking of Krishan and Suresh-witness to the sale deed in connivance with Sunita Devi, Sarpanch, officials of the Tehsil Office, Sandeep Singh, Advocate and his typist Sunil Kumar.

Learned State Counsel has appeared and opposed the bail application and filed reply by way of affidavit of Sh. Kaptan Singh, Deputy Superintendent of Police, Detective, District Jind which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. The petitioner was bona fide purchaser of the property and was not involved in the fraudulent execution of the sale deed by false personation. In *Civil Suit No.223 of 2019 titled as 'Surender and another Vs. State of Haryana and others'* filed by Surender and Suresh, the petitioner has already made statement that he has no objection if sale deed in question was cancelled. The petitioner is in custody since 21.12.2019. Trial is likely to take long time and no useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State Counsel has argued that the allegations against the petitioner are serious and the petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioner, making of no objection statement by him in the civil suit, period of his custody and the fact that adjudication of his guilt or innocence on the basis of evidence to be produced during the trial is likely to take long time and that his further detention in custody, not being punitive, will not serve any useful purpose but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

However, the petitioner shall be bound by his statement made before the Civil Court regarding cancellation of the sale deed in question executed in his favour by way of false personation.

26.02.2020

Kothiwal

(ARUN KUMAR TYAGI)
JUDGE

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