

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.5876 of 2020

Date of Decision: May 27, 2020

Partap Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shashi Kumar Yadav, Advocate,
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.588 dated 02.06.2018, under Sections 420, 467, 468, 471, 506, 120-B IPC, 1860, registered at Police Station, Central Faridabad, pending trial. The petitioner is in custody since his arrest on 09.01.2020.

The allegations in the FIR as noticed by the Additional Sessions Judge, Faridabad in his order dated 23.01.2020 read as under:-

“Complainant moved a complaint against 8 named persons alleging that in khewat No.34 and 35 of village Basantpur, there was 13.25 acres land with various co-sharers. Allegedly, land was sold from these khewats by certain persons in 2009-2010. Complainant claims that a false and fabricated power of attorney was prepared and same was used to execute sale deeds. Reply filed after investigation mentions that one Mahender Kaur and her family members had land in aforesaid khewats

and some part of the land was transferred to the State Uttar Pradesh in the year 1983 and inspite of aforesaid fact being into the knowledge of Mahender Kaur, Gursharan Kaur and Tirpat Kaur, a GPA was executed by them in favour of Prem Pal and Partap Singh and registration of these two GPAs was found to be forged at Bokaro, Jharkhand. Allegedly based upon this forged GPA, Partap Singh and Prem Pal executed sale deeds in favour of their family members who are women including present accused.”

Learned counsel for the petitioner contends that the entire case of the prosecution is founded on documentary material and allegations levelled in the FIR are based on apprehension of dispossession from the land owned by complainant. It is pointed out that the civil suit filed by the complainant against the vendors of the land in question is pending before the civil court. He submits that the land in question was allegedly sold by the petitioner as general power of attorney of Gursharan Kaur and Tripat Kaur (daughters of Sujan Singh) in September, 2009 on the basis of the general power of attorney dated 13.06.2008, whereas the FIR has been lodged on 02.06.2018. He further submits that the investigation of the case is complete and the trial is yet to commence. It is prayed that during the pendency of the trial, the petitioner be released on regular bail.

On the other hand, the prayer is opposed by the learned State counsel, who has contended that the general power of attorney in favour of the petitioner was found to be forged, which was registered in the State of Jharkhand and on the basis of the same, the land was sold by the petitioner in favour of his wife, namely, Kamlesh and his sister-in-law Shimla (wife of Prem Pal). He submits that thereafter the land was further sold and lastly it was purchased by complainant Devender. However, it is not disputed by

the learned State counsel that the final report has been filed on 01.04.2020 and the charges are yet to be framed.

At this stage, learned counsel for the petitioner contends that the ladies in whose favour the sale deed was executed in the year 2009, have been granted the concession of anticipatory bail, whereas other co-accused are on regular bail. This fact is not disputed by the learned State counsel.

After hearing the learned counsel for the parties and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, particularly when the trial is likely to consume considerable time in view of the outbreak of global pandemic, namely, COVID-19 in the region, as State Government and District Administration have imposed various restrictions to curb its spread, therefore, further custody of petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Faridabad.

The petition is allowed.

May 27, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No