

(110) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.M-12209 of 2020

Date of decision:13.05.2020

Surender Numberdar Petitioner

Versus

State of Haryana ... Respondent

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Vishwajeet, Advocate for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

B.S. Walia, J. (Oral/VC)

[1] This is a petition for regular bail under Section 439 of the Cr.P.C. in case FIR No.249 dated 20.11.2019 registered at Police Station Julana, District Jind for offences under Sections 419, 420, 467, 468, 471 IPC.

[2] Learned counsel for the petitioner contends that the petitioner was misled on the misrepresentation of Sunita Devi, Sarpanch and his brother Krishan into identifying the owner of the property which is the subject matter of the instant petition but that immediately on coming to know about the fraud played upon him in getting a false identification, the petitioner filed civil suit No.223 of 2019 in case titled as Surender and another vs State of Haryana and others for cancellation of the sale deed, therefore, it is clear that the petitioner acted bona fide and is entitled to be released on bail.

[3] Per contra, learned DAG states that the petitioner is a habitual offender and had wrongly identified another owner of the property who had died years ago.

[4] Learned counsel for the petitioner states that even in the said case the petitioner and the other witness namely Sanjay had been misled into identifying the owner of the property by same Sunita Devi, Sarpanch and his brother Krishan and that immediately on coming to know about the fraud played, the other witness namely Sanjay had filed civil suit No.222 of 2019, for cancellation of the sale deed and in the said civil suit the petitioner was impleaded as defendant in which notice was issued on 13.11.2019, whereas the instant FIR was registered on 20.11.2019. Besides, in said case, beneficiary Vijay Kumar had stated in the civil proceedings that he had no objection if the sale deed in their favour was cancelled.

[5] The petitioner is not a beneficiary in both the cases but merely an attesting witness. He is also stated to be medically in a fragile condition on account of having a bullet lodged near his heart as also an iron rod inserted in his one arm which has been fractured.

[6] Learned DAG has not disputed the aforementioned factual background.

[7] In the light of the position as noted above as also taking into account the fact that the petitioner is not a beneficiary in the case and is also having medical problems on account of bullet being lodged near his heart as also of an iron rod inserted in his one arm which has been fractured, besides, has been granted regular bail in the connected case i.e. CRM No. M - 11986 of 2020, besides, has been in custody since more than

four months, no useful purpose would be served by keeping the petitioner in custody.

[8] In the light of the position noted above, the petition for bail is allowed. Petitioner is directed to be released on bail on his furnishing bail /surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

[9] However, nothing mentioned in this order would be construed as an expression of opinion on the merits of the case.

[10] Petition allowed in the aforementioned terms.

(B.S. Walia)
Judge

13.05.2020

Amit/Rajesh

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.