

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

Criminal Misc. No. M-12385 of 2020(O&M)
Date of Decision: 15.05.2020

Subhash Chand Arora

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kunal Dawar, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ANIL KSHETARPAL, J.

Petitioner prays for grant of regular bail pending trial in a criminal case arising out from FIR No.443 dated 31.12.2019, registered under Sections 419/420/467/468/471/120-B IPC, at Police Station Sushant Lok, District Gurugram.

The allegations in the FIR have been extracted by the learned Additional Sessions Judge, Gurugram, in para No. 3 of the order, which are extracted as under:-

“3.Brief facts of the prosecution case are that complainant Veena Singh gave a complaint for taking action against seller and a buyer of the property bearing number C-334, Sushant Lok-I, Gurugram. It is stated that she alongwith her husband has purchased this property vide sale deed no.688 dated 21.04.94. She has given this house to Mr. Neeraj Kumar on rent on 01.02.2019. It is further stated that on 13.12.2019 her neighbour Atul Mittal telephonically informed her that some property dealer is saying that this property has been sold out. She got shocked and made enquiry from Wazirabad Tehsil. Now it has come to her notice that one forged transfer deed of blood relation has been executed by someone on 22.04.2019 in favour of Jasjeet

Singh son of A.P.Singh, House No.911 Sareempur Baksar, Bihar. It is stated that her husband had died on 30.09.2004 and on the basis of this forged gift deed someone had sold out their house to Ayush Kumar Garg R/o Gaziabad. Her tenant has also been missing since December 2019. Payer has been made to take action against the culprits.”

Hearing of the case was held through video conferencing on account of lock-down.

Learned counsel for the petitioner contends that the petitioner is not a beneficiary of the sale deed and he had attested the sale deed as a witness on the basis of Aadhar Card produced before him. He further submits that the petitioner is 72 years of age and is doing the same job for the last 40 years. However, now he has been falsely implicated.

On the other hand, learned State counsel has submitted that in the present case, petitioner has identified a person who is no more in the world. He further submitted that 3 more FIRs have been registered against the petitioner.

No doubt, the petitioner, who is a practicing advocate, is expected to be more careful and more responsible. He cannot sign the sale deed as a witness simply on the basis of Aadhar Card. However, at this stage, it is to be considered that whether further incarceration of the petitioner shall be justified, particularly when the petitioner is in judicial custody and as on date no material has been brought to the notice of this Court to prove that the petitioner is one of the beneficiary under the alleged forged sale deed or not?

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 09.04.2020 and the trial of the case is likely to take long time, the petitioner is directed to be

released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly the petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

May 15, 2020

“nt”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No