

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

**CRM-M No.12961 of 2020 (O&M)
Decided on: 20.07.2020**

Ramesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. D.S. Virk, Advocate
for the petitioner (through video conferencing)

Ms. Tanushree Gupta, DAG, Haryana.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.81 dated 21.03.2018, for offence punishable under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Rania, District Sirsa.

The earlier petition was dismissed on merits on 05.11.2019.

Counsel for the petitioner has argued that the new ground for filing this 2nd petition is that challan has been presented and the custody of the petitioner is more than 11 months, 15 days and due to COVID-19 situation, the trial which is magisterial, is not proceeding.

Counsel for the petitioner has further submitted that as per the FIR, registered at the instance of Sub-Divisional Magistrate, Ellenabad for taking action against Boor Singh, Khushal Singh (since deceased) (father of the present petitioner) and one Ramesh Kumar, on

presentation of an agreement to sell dated 14.10.1997, an enquiry was conducted regarding its authenticity by the office of SDM, Ellenabad, wherein it was found that the stamp paper is fake and the agreement to sell is also fake.

Counsel for the petitioner has also submitted that now the main accused namely Boor Singh, who was the beneficiary of the agreement to sell, has been granted the concession of bail vide order dated 05.03.2020 as even the matter pertaining to the agreement to sell is the subject-matter of CWP No.22379 of 2019 filed by the said Boor Singh.

Counsel for the petitioner has also argued that there are no direct allegations against the petitioner as he is neither the signatory nor the beneficiary of the agreement to sell and being the son of Khushal Singh, he is arrayed as an accused. It is further submitted that now challan sands presented, the custody of the petitioner is about 01 year and since it will take some time in conclusion of the trial as no prosecution witness has been examined, so far, the petitioner may be granted the concession of bail.

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, Ellenabad. In the affidavit, the complete details of the investigation conducted by the police as well as the enquiry conducted by the SDO, Civil, are given. As per the affidavit, the agreement to sell dated 14.10.1997, was found to be a fake document and even in a pending civil suite, the signatures of Amar Lal, were found to be fake by the Hand-writing Expert.

However, counsel for the State has not disputed the fact

that the petitioner is the first offender and is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that challan sands presented; the petitioner is in custody for a period of about 01 year and conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

20.07.2020
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(ARVIND SINGH SANGWAN)
JUDGE

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