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

Date of Decision: 04.11.2020

1. CRM-M No.15173 of 2020(O&M)

Jaspal Singh

.....Petitioner

Vs

State of Punjab.

.....Respondent

2. CRM-M No.15280 of 2020(O&M)

Mahima Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Jasdeep Singh, Advocate
for the petitioner(s).

Mr. Ramdeep Partap Singh, DAG, Punjab.

Ms. Sonali Giri, DC, Rupnagar in person.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video
conferencing.

Vide this common order, CRM-M No.15173 of 2020 titled Jaspal Singh Vs. State of Punjab and CRM-M No.15280 of 2020 titled Mahima Singh Vs. State of Punjab are being disposed of. Facts are being noticed from CRM-M No.15173 of 2020.

Petitioner(s) seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.83 dated 07.09.2019 registered under Sections 419, 420, 465, 467, 468, 471, 192, 193, 120-B IPC at Police Station Sadar Rupnagar, District Rupnagar.

As per allegations in the FIR, Daulat Ram was original owner of 51 kanals 6 marlas of land. Daulat Ram had gone to Ludhiana along with his family and thereafter, he was never seen in the village. The land of Daulat Ram was being cultivated by one Kesar Singh resident of village Sanana. Kesar Singh also died and thereafter, Gurpreet Singh started cultivating the land. In the FIR, pointed allegations were made against Balwinder Singh that he in connivance with Mahima Singh, Kuldeep Singh and Jaspal Singh got prepared some fake documents of aforesaid land. Mahima Singh impersonated Daulat Ram and executed power of attorney dated 24.08.2011 in favour of Jaspal Singh in respect of aforesaid land measuring 51 kanals 6 marlas situated in village Sanana. Kuldeep Singh

stood as witness on the aforesaid power of attorney. On the basis of aforesaid power of attorney, Jaspal Singh entered into an agreement to sell with Balwinder Singh. On the basis of aforesaid agreement to sell, Balwinder Singh filed a civil suit for specific performance and the said suit was decreed *ex parte*. Now civil litigation is pending in the competent Court.

Learned counsel for the petitioner(s) submits that the petitioner(s) is in custody since 01.10.2019. The offence is triable by the Magistrate.

In compliance of order dated 14.01.2020 passed in CRM-M No.429 of 2020, District Magistrate has also filed an affidavit in the context of present case. Para Nos.6 and 7 of the affidavit read as under:-

“6. That as per official record of village Sanana Hadbast No.348 Tehsil & District Rupnagar sale deed No.948 dated 02.11.1961 has been executed by Nobat Ram S/o deceased Daulat Ram in favour of Hansa Singh and Banta Singh but the mutation on the basis of above sale deed has not been sanctioned in favour of said Hansa Singh and Banta Singh. True translated copy of above sale deed is attached herewith as Annexure R-2/T.

7. That it is further submitted that as per official record it is also found that there is civil litigation is pending between the legal heir of Hansa Singh and Banta Singh

and the legal heir of deceased Daulat Ram. The said litigation titled as “Janak Singh and others versus Balwinder Singh and others” (bearing registration No.Civil Suit/153/2019) is pending in the Court of Ms. Ramandeep Neetu, Ld. Civil Judge, Junior Division, Rupnagar. The proceedings of the same are still pending and due to Covid-19 the case has not been taken for further proceedings and without any further appropriate order of the concerned Court, the decision cannot be taken immediately regarding property should escheat in favour of State because the names of survivor of the concerned property are mentioned in the above civil suit. Deceased Daulat Ram through his legal heir namely Suraj Parkash is also a party in this civil suit. True typed copy of plaint of above civil suit is attached herewith as Annexure R-3.”

Learned State counsel on instructions from ASI Makhan Singh submits that after presentation of challan and framing of charges, no prosecution witness has been examined so far.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner(s) on regular bail.

In view of above, both the petitions are allowed. Petitioner(s) is ordered to be released on regular bail, subject to

his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

04.11.2020	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No