

211+215

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

1. CRM-M No.16788 of 2020
Date of Decision: 30.07.2020

VibhaPetitioner
Vs
State of HaryanaRespondent

2. CRM-M No.18545 of 2020

Shailender KumarPetitioner
Vs
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Rajesh Lamba, Advocate
for the petitioner in CRM-M No.16788 of 2020.

Mr. Balraj Gujjar, Advocate and
Mr. Shakti Singh, Advocate
for the petitioner in CRM-M No.18545 of 2020.

Mr. Anant Kataria, D.A.G., Haryana,

RAJ MOHAN SINGH, J.(Oral)

Both the cases have been taken up for hearing through
video conferencing.

Both the petitions are being decided by common order
as the same have arisen from same FIR.

Petitioners seek grant of regular bail under Section 439
Cr.P.C in case bearing FIR No.12 dated 23.01.2020, registered

under Sections 419, 420, 467, 468, 471, 120-B IPC at Police Station Sushant Lok, District Gurugram.

As per prosecution case, one Anoop Singh Dhankar was owner of plot No.2165, Block-C, Sushant Lok-I, Gurugram on the basis of sale deed dated 07.04.1993. Anoop Singh Dhankar has transferred the said plot in favour of his wife namely Anurita Dhankar vide transfer deed dated 19.08.2014. On the basis of said transfer deed, Anurita Dhankar i.e. wife of the complainant became absolute owner of the plot in question and Anoop Singh Dhankar had no title thereafter.

On 19.01.2020, the complainant received a call that Vibha (petitioner) had put the said plot on sale on the basis of some forged sale deed dated 07.01.2020. In the aforesaid forged sale deed, some persons impersonated the complainant Anoop Singh and thereafter sold the plot to Vibha. The sale deed was witnessed by Sanjay Kumar Malik and Subhash Chand Arora as witnesses.

Lucky Uppal is also one of the accused against whom allegations are that he has forged some papers from Tehsil and those stamp papers have been used in the preparation of forged sale deed dated 07.01.2020. Nitin Tiwari is also one of the accused against whom allegations are that he allegedly prepared forged driving licence and Aadhar Card of the

complainant which were used for impersonating the complainant by one Dharam Singh.

Co-accused Subhash Chand Aroa and Lucky Uppal have been granted regular bail by this Court vide common order dated 09.06.2020 passed in CRM-M Nos.13165 and 13632 of 2020. Nitin Tiwari has also been granted regular bail by this Court vide order dated 24.07.2020 passed in CRM-M No.17827 of 2020. Co-accused Rajender Kumar has also been granted regular bail by this Court vide order dated 28.07.2020 passed in CRM-M No.18120 of 2020.

Learned counsel for the petitioner-Vibha stated that after transfer deed in favour of Anurita Dhankar wife of the complainant, the complainant Anoop Singh Dhankar had no title and the alleged impersonation of Anoop Singh Dhankar would not go in any way to establish the case of the prosecution. Title of the plot is still with Anurita Dhankar. Petitioner is in custody since 06.02.2020. The offence is triable by the Court of Magistrate. Owing to pandemic COVID-19 situation, there is no likelihood of trial being concluded in near future. Challan has been presented but charges have not been framed so far.

Learned counsel for the petitioner-Shailender Kumar stated that the petitioner has been implicated on the basis of disclosure statement of co-accused Lucky Uppal, who has

already been granted regular bail by this Court vide order dated 09.06.2020 passed in CRM-M No.13632 of 2020. He has not been named in the FIR, and is not a beneficiary in the transaction. He is having a shop. The alleged sale deed was drafted at his shop. In view of aforesaid position, the complicity of the petitioner would be debatable. Owing to pandemic COVID-19 situation, chances of culmination of the trial in near future is bleak. Petitioner is in custody since 27.02.2020.

In view of the aforesaid facts and circumstances of the case, particularly in view of the fact that the case is triable by the Court of Magistrate and petitioners are in custody for the last more than five months, it would be just and appropriate to enlarge the petitioners on regular bail.

In view of above, both petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

(RAJ MOHAN SINGH)
JUDGE

July 30, 2020

Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No