

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-17368-2020

Date of decision: 04.09.2020

Harpal Singh

.....Petitioner

versus

State of Punjab and another

....Respondents

CRM-M-33117-2019

Rajwinder Kaur

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

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

Mr. Sukhbeer Singh, Assistant AG, Punjab.

Mr. Ashish Aggarwal, Advocate
for the complainant.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

This order shall dispose of two petitions i.e. CRM-M-17368-2020 titled as Harpal Singh vs. State of Punjab and another and CRM-M-33117-2019 titled as Rajwinder Kaur vs. State of Punjab. For brevity, facts have been taken from CRM-M-17368-2020.

Petitioners-Harpal Singh (in CRM-M-17368-2020) and Rajwinder Kaur (in CRM-M-33117-2019) stated to be both aged 50 years, have filed the present petitions *inter alia* with a prayer for grant of regular bail in case FIR No.250 dated 25.12.2018, registered under Sections 420, 465, 466, 467, 468, 471 & 120-B of Indian Penal Code, at Police Station Sadar, District Amritsar.

Records of the case show that in CRM-M-33117-2019, when the matter had come up for hearing on 20.08.2019 before this Court, Mr. A.S. Khaira, Advocate had put in appearance on behalf of the complainant. The petitioners namely Rajwinder Kaur was arrested on 03.07.2019 and Harpal Singh was arrested on 09.07.2019 and both have completed more than one year of custody.

Learned counsel by making reference to the pleadings, submits that in fact it is a case of civil nature. The petitioners are relying on the sale deed dated 25.11.1997 of House No.37, Guru Nanak Avenue, Phase-3, Majitha Road, Amritsar. He submits that on the other hand, as per the alleged allegations in the FIR, the complainant party is relying on the sale deed dated 08.09.2011.

On instructions from SI Jaspal Singh, learned State Counsel submits that challan has been presented on 01.10.2019 and the charges have been framed on 24.01.2020. He then submits that there are total of 20 witnesses but none has been examined till date and the case is now fixed for 10.09.2020.

Learned counsel appearing for the complainant submits that in

fact, the petitioners are habitual offenders and many cases are pending against them. He submits that in a fraudulent manner, on the basis of forged sale deed, the petitioners had taken loan of Rs.20 lacs from the bank. He further submits that he has instructions to submit that since the loan has not been paid, yet the property has been further sold to some other person. It is also submitted that he has instructions to submit that the possession of the property is with the bank.

Faced with the situation, learned counsel for the petitioners submits that in fact, the petitioners are middle aged persons. They have already undergone one year of custody. He submits that it being a civil dispute, he has instructions from the petitioners to submit that they will deposit property papers as security (which may be in their name or in the name of any relative) worth Rs.20 lacs, with the trial Court/Duty Magistrate. It is also submitted that if the petitioners are found involved in any other subsequent case, the aforesaid amount can be forfeited and deposited in the Government treasury.

Learned counsel for the petitioners also submits that in view of the COVID situation, detention of the petitioners in jail would be dangerous to their lives and also the fact that trial is likely to take some time, the petitioners may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioners on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate

concerned, subject to their furnishing bail bonds/surety bonds. However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

In addition to the above said bail/surety bonds, the petitioners are directed to deposit property papers (in their own name or any of their relative) worth Rs.20 lacs as security, to the trial Court/Duty Magistrate. It is also made clear that in case, the petitioners are found involved and found guilty in any subsequent case from today onwards, the said amount as aforementioned shall be forfeited and deposited in the Government Treasury. The said amount shall be without prejudice to the defence of the petitioners before the trial Court.

Accordingly, the present petitions stand disposed of.

(GIRISH AGNIHOTRI)
JUDGE

04.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No