

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

**CRM-M- 17718 of 2020 (O&M)
DATE OF DECISION : 23.07.2020**

Ram Niwas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 270 dated 18.08.2019, registered under Sections 419, 420, 467, 468, 471 read with Section 120-B IPC, Police Station Civil Lines, Bhiwani, District Bhiwani.
2. One Ram Niwas(died in 2004) was owner of H. No.2935 (EWS Category). He executed power of attorney in favour of Samunder Singh. Samunder Singh entered into agreement to sell with one Sandeep Kumar on 08.08.1992 and possession was given. Sandeep Kumar further entered into agreement to sell the house with Maan Singh on 03.03.1993. Maan Singh further sold the same to complainant Jai Singh on 29.03.2005. As per allegations in the FIR, accused Darshan Singh, Inder, Satya Devi, Hansraj, Lalita, Mukesh Bhati and one Jitu forged and fabricated agreement to sell in favour of accused No.6 Mukesh Bhati by impersonating original allottee Ram Niwas. Petitioner Ram Niwas appeared before the Sub Registrar by impersonating himself as original allottee Ram Niwas, who though had died in 2004. As per FIR, the petitioner disclosed to the complainant that he was

intoxicated by Inder Singh and Mukesh Bhati and then agreement was executed. He was arrested and his disclosure statement was recorded.

3. Learned counsel submits that all the co-accused have been granted the benefit of anticipatory/ regular bail. According to him, petitioner is not the beneficiary and he himself has been victimized by the main accused. He further points out that main beneficiary i.e. Mukesh Bhati has been exonerated by the police. He further submits that petitioner is in custody since 11.12.2019 and is not maintaining good health. According to him, challan has been presented and further custodial interrogation of the petitioner is not required.

4. Learned State counsel, on the other hand, opposes the bail plea. He, however, admits that co-accused are on bail and the petitioner is in custody for the last more than 7 months.

5. The offences alleged are triable by Magistrate. Challan has already been filed but the trial is not likely to commence or conclude in near future due to present scenario of Covid-19 where the Courts are working with restrictions and taking up urgent matters only. The petitioner is not a beneficiary of the said transaction and main beneficiary Mukesh Bhati has been exonerated by the police. Without expressing any opinion on the merits of the case, petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Bhiwani, as the case may be.

JULY 23, 2020
Jiten

(ARUN MONGA)
JUDGE

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