

211

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

CRM-M-19940-2020

Date of Decision: 10.08.2020

SURESH KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks 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.

By referring to the common order dated 09.06.2020 passed in CRM-M No.13165 of 2020 and CRM-M No.13632 of 2020, learned counsel for the petitioner submitted that the role of the petitioner is at par with the co-accused Subhash Chand

Arora, who stood as a witness in the forged sale deed which was done by impersonating the complainant in favour of Vibha. Petitioner has not been named in the FIR. He has been nominated in the disclosure statement of Vibha and Rajender Kumar, who have already been granted regular bail by this Court vide order dated 30.07.2020 passed in CRM-M No.16788 of 2020 titled '*Vibha vs. State of Haryana*' and order dated 28.07.2020 passed in CRM-M No.18120 of 2020 titled '*Rajender Kumar vs. State of Haryana*'.

The allegations in the FIR are that one Anoop Singh Dhankar was owner of plot No.2165, Block-C, Sushant Lok-I, Gurugram on the basis of his title i.e. sale deed dated 07.04.1993. Anoop Singh Dhankar had transferred the said plot in favour of his wife namely Anurita Dhankar vide transfer deed dated 19.08.2014. She became absolute owner of the plot thereafter. On 19.01.2020, a call was received by the complainant that one Vibha had put the said plot on sale on the basis of forged sale deed dated 07.01.2020.

This forged sale deed is the bone of contention between the parties. Some persons impersonated the complainant and thereafter sold the plot to Vibha. The sale deed has been witnessed by the petitioner as Sanjay Kumar Malik though his photograph is appearing on the sale deed. Subhash

Chand Arora also stood as witness in the aforesaid sale deed. Co-accused Nitin Tiwari, Lucky Uppal, Subhash Chand Arora, Rajender Kumar, Vibha and Shailender Kumar have already been granted regular bail by this Court.

Learned State counsel however opposed the bail on the ground that the further impersonation has been done by the petitioner by attesting the forged sale deed in the name of Sanjay Kumar Malik instead of showing his name to be Suresh Kumar.

Having heard learned counsel for the parties, it can be seen that name of the petitioner has been nominated in the disclosure statement of co-accused namely Vibha and Rajender Kumar. The aforesaid persons have already been granted bail by this Court. Petitioner is in custody since 21.02.2020. The complicity of the petitioner would remain debatable. Challan has already been presented, but charges have not been framed so far. The offence is triable by the Magistrate.

In view of totality of facts and circumstances and in view of the situation arising out due to pandemic COVID-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is

ordered to be released on bail, subject to his 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.

August 10, 2020	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No