

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-21357-2020 (O&M)

Date of decision: 09.09.2020

Surinder Sood

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. Amar Ashok Pathak, Addl. AG, Punjab.

Mr. Vaibhav Sehgal, 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.

Petitioner-Surinder Sood, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.103 dated 01.07.2020, under Sections 465, 467, 468, 471 read with Section 34 IPC and Sections 474, 420, 448, 506 & 120- B of Indian Penal Code and Section 82 of Registration Act 1908, registered at Police Station Division No.4, Ludhiana.

Learned counsel for the petitioner submits that lodging of the present FIR is abuse of process of law as the matter is purely a civil dispute. He submits that as has been recorded in the order dated 21.08.2020, passed by this Court, the entry regarding TS-I, which finds mention in the FIR, has been cancelled on 04.11.2019. He then makes reference to Para-3 of the

petition to submit that petitioner is residing on the first and second floor of Building Property B-V. 47. He submits that this is ancestral property and grand father of the petitioner i.e. Baldev Das, had acquired the property in question. He then submits that the petitioner's grand father sold 31 square yards of the property in question and eventually the remaining 61 square yards was transferred to the name of petitioner's father by way of natural secession in 1958. He then relies on the will dated 10.03.1994, whereby, he had sought transfer of the property in the name of his wife Sushila Wati, after his death. Learned counsel for the petitioner then submits that there are various facts so pleaded in the petition and also subsequently submitted in the additional affidavit.

On instructions from ACP Waryam Singh, learned State counsel submits that the FIR has been registered on 01.07.2020 and challan against the present petitioner-Surinder Sood, has been presented .

Learned counsel for the complainant however has made various submissions. He submits that it is a clear case of forgery as inspite of fact that the sale deed had been registered on 13.06.2019, the petitioner in connivance with Ms. Rajia (an employee of Municipal Corporation) had forged the documents. He further submits that he fraudulently executed the sale deed on 26.07.2019 in the name of his wife Asha Sood and son of the petitioner (Nitesh Sood), the attesting witness. He submits that various compliance were made by the complainant and in pursuance thereto, enquiries were conducted and accordingly after two enquiry reports, FIR dated 01.07.2020, has been registered. He also wishes to make reference to

various documents filed by way of affidavit/application and submits that by this conduct of the respondents they have uprooted from compromise dated 01.06.2019.

Faced with the situation, learned counsel for the petitioner submits that the petitioner is aged about 70 years, as is evident from Aadhar Card having his date of birth as 07.11.1950 (annexed as Annexure P-5). He then submits that he has instructions from the petitioner that in order to show his bona fide, he will deposit bank guarantee/papers of some immovable property, worth Rs.15 lacs (in his own name or in the name of his relative) to the Duty Magistrate/Illaq Magistrate, which shall be kept as security during the trial and shall await further orders of the Court. He is also ready to give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the above said amount/property can be forfeited and deposited in the Government Treasury.

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner 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 petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his 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 accepting the offer made by counsel for the petitioner, the petitioner is directed to deposit bank guarantee/papers of some immovable property, worth Rs.15 lacs (in his own name or in the name of his relative) to the Duty Magistrate/Illaq Magistrate, which shall be kept as security during the trial to await further orders of the Court, within one month from the date of his release. He is directed to give an undertaking that in case, he is found involved in any other subsequent case (today onwards) and found guilty, the above said amount/property shall be forfeited and deposited in the Government Treasury. The above said amount shall be without prejudice to the defence of the petitioner before the trial Court.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

09.09.2020

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No