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

**CRM-M No.38387 of 2019
Date of Decision: 05.03.2020**

KISHOR @ AVAD KISHOR YADAV

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. A.S. Thind, Advocate
for the petitioner.

Mr. J.S. Ghumman, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.231 dated 30.12.2018, registered under Sections 420, 468, 471, 34 IPC at Police Station Haibowal, District Police Commissionerate, Ludhiana.

Vide order dated 27.02.2020 interim bail was granted to the petitioner for a period of two weeks from 28.02.2020 to 13.03.2020 on his furnishing adequate bail bonds and surety bonds to the satisfaction of concerned CJM/Duty Magistrate.

Learned counsel for the petitioner submitted that petitioner could not avail benefit of aforesaid order as at the

relevant time he could not arrange surety to the satisfaction of the concerned CJM. Petitioner prays for regular bail as now he is in a position to arrange for surety.

The FIR was registered at the instance of Veena Joshi on the allegations that Veena Joshi is the owner in possession of plot No.167 measuring 125 sq. yards situated in New Raghbir Park, Tehsil and District Ludhiana as per sale deed dated 25.03.2013. At the time of execution and registration of aforesaid sale deed, the complainant was not present, rather her brother Davinder Singh had appeared on her behalf at the time of execution of said sale deed.

After some time, the complainant had gone to the deed writer and had discussed qua the said plot and ultimately came to know that deed writer had already scribed one sale deed of the said plot. On coming to know, the complainant was shocked and deed writer had also shown her the sale deed. The complainant had come to know that Kishore @ Azad Kishore Yadav i.e. the petitioner, Imran, Azgari and Zakaria in connivance with each other had got the sale deed scribed in respect of plot of the complainant in favour of Azgari and Zakaria on the basis of forged and fabricated documents. The said sale deed was having forged signatures of the complainant. Petitioner was arrested in the said case on 16.07.2019.

Learned State counsel on instructions from ASI Bhajan

Singh submitted that after filing of the challan, charges have been framed, but no prosecution witness has been examined so far. The offence is triable by the Magistrate. Petitioner is in judicial custody since 16.07.2019 and is no more required for further investigation of the case.

At this stage, without adverting to the merits of the case and keeping in view the custody period of the petitioner, I am of the view that the petitioner can be enlarged 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.

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

March 05, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No