

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47362-2019 (O&M)
Date of decision: 27.02.2020

Balwinder Singh @ Illa

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0083 dated 07.09.2019 under Sections 419, 420, 465, 467, 468, 471, 192, 193, 120-B IPC, registered at Police Station Sadar Rupnagar, District Rupnagar.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner is a clever person and he has forcibly taken possession of the land belonging to one Daulat Ram, which was cultivated by his son. It is further stated that the petitioner has fabricated a power of attorney in favour of one Jaspal Singh and he executed an agreement to sell dated 19.10.2011 in favour of the petitioner and thereafter, he filed a suit for specific performance, which was decree ex-parte on 29.11.2016 in his favour and therefore, the petitioner has committed the offence. It is further submitted that in fact, the petitioner has no interest in the property previously owned by Daulat Ram, as

he is not legal heir of said Daulat Ram and ex-parte decree was followed by a sale deed by order of the Court. Learned counsel further submits that the charges have been framed on 13.01.2020; till date, no prosecution witness has been examined; the petitioner is in custody since 12.09.2019; offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial.

Learned State counsel, on instructions from ASI Makhan Singh, has not disputed the factual position, however, submitted that the complainant is co-villager of the petitioner and during the investigation, it was found that the agreement to sell is forged.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.02.2020

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No