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

**CRM-M No. 49657 of 2019
Date of Decision: 10.02.2020**

Nishan Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.221 dated 18.08.2009, registered under Sections 420, 406 and 120-B IPC at Police Station City, Kapurthala.

The FIR in question was registered in the context of filing frivolous petitions before the Registrar Kapurthala and civil suit(s). CWP No. 8822 of 2004 was filed by the

petitioner through power of attorney Lakhwinder Kaur as the petitioner was in Bahrain. The said petition was dismissed by this Court on 15.07.2008 with cost(s) of Rs.10,000/-. The cost(s) was ordered to be paid to complainant Bikkar Singh for not getting the sale deed registered by the petitioner. Against the aforesaid order dated 15.07.2008 passed by this Court, SLP was preferred by the petitioner in which directions for registration of sale deed and imposition of cost(s) were stayed vide order dated 19.02.2009. The FIR in question came to be registered on 18.08.2009 i.e. after the order passed by Hon'ble Apex Court. The petitioner along with his wife filed CRM-M-27150 of 2019 for quashing of aforesaid FIR. The said petition was dismissed qua the petitioner, however, the proceedings qua Lakhwinder Kaur were stayed and it was quashed later on vide order dated 23.08.2017. Hon'ble Apex Court, however, dismissed the Special Leave Petition with an observation that the criminal case registered against the petitioner would be decided by the concerned

Court on its own merit without being influenced by any of the observations made in the order dated 15.07.2008 passed by this Court in CWP No.8822 of 2004.

Learned counsel for the petitioner submits that due to absence of the petitioner, he was declared proclaimed offender on 29.11.2017 and he surrendered himself on 10.07.2019. Wrong date has been mentioned in the order, showing the date of arrest of the petitioner as 22.10.2019.

Learned State counsel on instructions from ASI Surjit Singh admits the aforesaid fact that the petitioner had surrendered before the Court on 10.07.2019. However, his production warrants were taken on 22.10.2019 i.e. how the aforesaid mistake has crept in the record.

Learned counsel for the petitioner further submits that in pursuant to agreement to sell, the sale deed has already been executed and possession has been delivered. In respect of second suit for recovery of Rs. 1,87,000/-. RSA is pending in the High Court for 30.04.2020.

Learned State counsel further submits that after

framing of charges, the case is fixed for 13.02.2020 for cross-examination of complainant. Out of 21 prosecution witnesses, only one witness has been examined-in-chief.

Offences are triable by the Magistrate. Petitioner is in custody since 10.07.2019. Petitioner is not required for further investigation of the case. Trial of the case may take sometime in its culmination. The Hon'ble Apex Court has also observed that the criminal case of the petitioner is to be decided without being influenced by any of the observations made in the order dated 15.07.2008 passed by this Court in CWP No. 8822 of 2004.

Taking into consideration all the aforesaid facts, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, at this stage, without meaning anything on merits of the case, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate.

Nothing expressed hereinabove would be

construed to be an expression of any opinion on merits of

the case.

February 10, 2020
priyanka

(RAJ MOHAN SINGH)
JUDGE

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