

CRM-M-77871-2018(O&M);
CRM-M-48337-2018(O&M);
CRM-M-14292-2019(O&M); and
CRM-M-6888-2019(O&M)

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

(1) CRM-M-77871-2018(O&M)
Harcharan Kaur ...Petitioner

Versus

State of Punjab ...Respondent

(2) CRM-M-48337-2018(O&M)
Amolak Singh ...Petitioner

Versus

State of Punjab ...Respondent

(3) CRM-M-14292-2019(O&M)
Harminder Singh ...Petitioner

Versus

State of Punjab ...Respondent

(4) CRM-M-6888-2019(O&M)
Paramjit Singh ...Petitioners

Versus

State of Punjab ...Respondent

Date of Decision:6.2.2020

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

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Present: Mr.Manuj Nagrath, Advocate
for the petitioner(s) in
CRM-M-48337-2018, CRM-M-14292-2019 and
CRM-M-6888-2019.

None for the petitioner in CRM-M-77871-2018

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr.D.S. Sobti, Advocate
for the complainant.

H.S. MADAAN, J.

By this order, I intend to dispose of four petitions i.e. CRM-M-77871-2018 filed by petitioner Harcharan Kaur for setting aside of the order dated 21.9.2018 passed by Judicial Magistrate Ist Class, Ludhiana vide which she was declared proclaimed person and CRM-M-48337-2018 filed by petitioner Amolak Singh, CRM-M-14292-2019 filed by petitioner Harminder Singh and CRM-M-6888-2019 filed by petitioner Paramjit Singh, who are accused in FIR No.13 dated 29.1.2017, under Sections 380, 419, 420, 451, 468, 471, 506 and 120-B IPC, registered with Police Station Division No.3, Ludhiana for grant of regular bail.

Briefly stated, facts of the case as per prosecution story are that complainant Parvesh Verma son of Raj Kumar Verma had submitted a written complaint to police at Ludhiana seeking taking of action against Harcharan Kaur – wife of Harbhajan Singh, his sons Vasdev, Paramjit Singh @ Jugnu, Harminder Singh and Amolak Singh as well as Gurbux Singh contending that accused being owners of the property measuring

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140 square yards bearing Nos.B-6-1132, 1133, 1134, 1135 situated at Mohalla Tajganj, Samrala Road, Ludhiana had entered into an agreement to sell the same with the complainant through property dealer; in terms of the agreement first sale deed for 40 square yards of land was executed by Harcharan Kaur vide document No.16639 dated 5.3.2015 in favour of Santosh Verma mother of the complainant; the sale deed was attested by Paramjit Singh and Anil Chawla, Advocate; the complainant had paid the entire consideration amount; the sale deed with respect to remaining 100 square yards of property was executed by Harcharan Kaur and other accused on 28.4.2015 vide document No.1610; that sale deed was attested by Paramjit Singh alias Jugnu son of Gurbax Singh; again the consideration amount was paid; video film of the accused accepting the sale consideration in cash was also made; the accused had dishonest intention right from the beginning and they had prepared a forged and fabricated power of attorney vide document No.1987 dated 2.3.2015 three days prior to execution of first sale deed for 40 square yards of property purported to have been executed by Harcharan Kaur in favour of her younger son Harminder Singh, who had executed a sale deed in favour of accused Vasudev vide document No.283 dated 8.4.2015; that was done prior to execution of sale deed dated 28.4.2015 in favour of the complainant; all the accused had also prepared a forged and fabricated agreement by forging signatures of father and mother of the complainant; they had also prepared compromise by forging signatures of complainant

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and his brother in order to usurp the earnest money and consideration amount; the possession of the property had been given to complainant on 20.5.2016, however the accused committed theft in the shop and threatened to kill the complainant and in that regard the complainant had submitted a complaint to the police. However, accused filed a false case against the complainant and his other family members, in that way the accused had committed offences under Sections 380, 419, 420, 451, 468, 471, 506 and 120-B IPC.

On the basis of this complaint, formal FIR No.13 dated 29.1.2017, under Sections 380, 419, 420, 451, 468, 471, 506 and 120-B IPC was registered with Police Station Division No.3, Ludhiana. Accused were arrested. Accused Amolak Singh, Harminder Singh and Paramjit Singh had filed application for regular bail before Court of Sessions at Ludhiana but were unsuccessful there, as such they have approached this Court seeking similar relief by filing of separate petitions, notices of which have been issued to the respondent, who has put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State counsel as well as ld. counsel for the complainant besides going through the record.

First coming to CRM-M-48337-2018, CRM-M-14292-2019 and CRM-M-6888-2019 filed by petitioners/accused Amolak Singh, Harminder Singh and Paramjit Singh for grant of regular bail. No doubt

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the allegations against the accused/petitioners are quite serious and grave but then their guilt shall be determined only during the trial. Petitioners/accused Amolak Singh, Harminder Singh and Paramjit Singh are stated to be in custody since 19.3.2018. Though the trial against them is going on but as informed by the trial Court the conclusion of trial is likely to take 3 to 5 months. Civil litigation between the parties is also stated to be going on. All the offences are triable by the Court of Judicial Magistrate. Their further detention is not going to serve any useful purpose.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners Amolak Singh, Harminder Singh and Paramjit Singh.

Accordingly, CRM-M-48337-2018, CRM-M-14292-2019 and CRM-M-6888-2019 filed by petitioners/accused Amolak Singh, Harminder Singh and Paramjit Singh are allowed. They are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Ludhiana, on following conditions:

- (i) that they shall appear in the Court on each and every date of hearing;
- (ii) that they shall not give any threat or intimidation to the prosecution witnesses;
- (iii) that they shall not leave India without prior permission

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of the Court; and

(iv) they shall surrender their passports and if they do not have passports then they shall furnish affidavits duly sworn in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners Amolak Singh, Harminder Singh and Paramjit Singh violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

Now coming to CRM-M-77871-2018 filed by petitioner/accused Harcharan Kaur aged about 70 years stated to be suffering from various diseases. She was declared a proclaimed person on 21.9.2018. Such accused has filed this petition for setting aside of the said order passed by Judicial Magistrate Ist Class, Ludhiana and all the subsequent proceedings arising therefrom.

Vide order dated 5.3.2019, it was directed that petitioner shall deposit a sum of Rs.50,000/- as cost in favour of High Court Legal Services Committee, Chandigarh and shall thereafter surrender before the trial Court on or before 11.3.2019 and seek regular bail. In case such application was filed then the trial Court is directed to allow the same subject to furnishing bonds to its satisfaction and on production of proof

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of deposit of Rs.50,000/- as costs with the High Court Legal Services Committee, Chandigarh. Petitioner Harcharan Kaur is said to have deposited that amount with High Court Legal Services Committee, Chandigarh. Receipt No.082 dated 8.3.2019 in that respect is available on the record. She is said to have appeared in the trial Court and admitted to bail.

Under the circumstances, CRM-M-77871-2018 filed by petitioner/accused Harcharan Kaur has become infructuous and is disposed of accordingly.

6.2.2020
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No