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

**CRM-M No.2963 of 2021
Date of Decision: 28.01.2021**

BALDEV SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present:Mr. Bikramjit Singh Baath, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.106 dated 11.11.2020, registered under Sections 420/467/468/471/120-B IPC at Police Station Purana Shalla, District Gurdaspur.

Petitioner is a witness to the agreement. The allegations are that Malkit Singh had gone to America in October 2018. Manjit Kaur brought a blank stamp paper of Rs.500/- to the complainant and asked him to sign the same

because the same was to be sent to America for the release of her son. Son of Manjit Kaur was illegally sent abroad by Salinder Kaur in connivance with Hardeep Singh and Malkit Singh @ Sabhi. Malkit Singh (i.e. son of Manjit Kaur) was arrested in America. The agents told Manjit Kaur to bring blank stamp paper signed by the respectables of the village so as to send the same to America for the purposes of getting Malkit Singh released. Husband of Manjit Kaur was a martyr who died during Kargil war. The family is enjoying good reputation in the village. The complainant put his signature on the blank stamp paper as a witness. Later on it was found that the stamp paper has been used for preparing fabricated agreement dated 16.10.2018 to which the petitioner is a witness. The said agreement is in respect of borrowing an amount of Rs.6 lakhs from Salinder Kaur.

Learned counsel for the petitioner submitted that Manjit Kaur has not lodged the present FIR. A Civil Suit No.1113 of 2020 is pending in respect of the aforesaid agreement dated 16.10.2018. The said suit has been filed by Salinder Kaur against Manjit Kaur and the genuineness of the agreement in question is to be decided in the said pending suit.

Learned counsel further submitted that the offence is triable by the Magistrate. Petitioner is in custody since

13.11.2020. Challan has not been presented so far. Co-accused Salinder Kaur has been enlarged on regular bail vide order dated 13.01.2021 passed by this Court in CRM-M No.40806 of 2020.

Learned State counsel on the other hand submitted that the original blank signed stamp paper was sent through courier to the co-accused Malkit Singh @ Sabhi in USA. Manjit Kaur also sent a copy of blank stamp paper to the aforesaid Malkit Singh @ Sabhi through e-mail.

Preparation of agreement on the original blank signed stamp paper would be debatable as signing of original blank signed stamp paper sent through courier would be debatable as to the material sent in a sealed courier. The offence is triable by the Magistrate. Petitioner is in custody since 13.11.2020. Challan has not been presented so far. Petitioner is aged about 70 years and is suffering from various ailments in view of the medical report dated 25.11.2020 issued by the Medical Officer, Central Jail, Gurdaspur.

In view of aforesaid facts and without adverting to the merits of the case at this stage, I deem it appropriate to enlarge the petitioner on regular bail. 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/concerned Duty Magistrate.

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

January 28, 2021
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(RAJ MOHAN SINGH)
JUDGE

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