

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

CRM-M No.5866 of 2020 (O&M)
Date of Decision: 01.04.2021

Mahavir Prasad

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

None for the complainant.

RAJ MOHAN SINGH, J. (ORAL)

The petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.204 dated 19.12.2019 under Sections 420, 465, 467, 468, 471, 389, 506 and 34 of IPC, registered at Police Station City Fazilka, District Fazilka.

Status report filed by the Deputy Superintendent of Police, Sub Division, Fazilka on behalf of the State is taken on record.

The FIR was lodged by attorney of Surinder Kumar Ahuja with the allegations that family of Surinder Kumar Ahuja got transferred the land of Jai Kaur in the year 1984. The complainant got transferred his land in village Tappa Khera with

the land of Jai Kaur situated in village Shishwala. The said transfer was effected by grandson of Jai Kaur, namely, Bhupinder Singh and mutation was also sanctioned. In the mutation, the land given to Parampal by Bhupinder Singh was also shown. Since then, both the parties are using their land to its optimum use. Further allegations are that Bhupinder Singh had links with Parampal, who used to extort huge amount from big land owners by coercive methods. Said Parampal and Mahavir Prasad after conspiring with each other submitted false complaints and got the case registered against Surinder Kumar Ahuja at Hisar. The accused persons demanded huge money from Vivekanand and Vikramdtiya sons of Surinder Kumar Ahuja and they came to the office of Surinder Kumar Ahuja on 17.08.2019 and 04.09.2019 and demanded money and also abused the complainant with a threat. For extorting money, the accused got prepared a false death certificate of Jai Kaur from Sumairpur (Rajasthan) and while using that false certificate, got registered one FIR No.59 dated 10.03.2017 at Police Station Adampur, District Hisar. Later on, FIR No.96 dated 06.05.2019 was got registered against Parampal at Police Station Adampur, District Hisar. On the complaint of Anurag Nagpal, a probe was conducted by the police. Complainant, Sharad Singh and second party Parampal were joined in the inquiry proceedings and their statements were recorded. It was found in the inquiry

that earlier Parampal had moved an application dated 01.08.2019 against Surinder Kumar and others. Inquiry was also conducted on that application of Parampal and the complaint/application of Parampal was consigned. For the inquiry conducted on the complaint of Anurag Nagpal, it was found that Parampal and Mahavir Prasad forged the death certificate of Jai Kaur by showing her date of death as 26.08.1988 and place of death was shown to be village Pomava, Tehsil Sumairpur, District Pali (Rajasthan) and that certificate was used for registration of FIR No.59 dated 10.03.2017 against Surinder Kumar Ahuja and others. It was also found by the police that the petitioner and said Parampal were involved in moving false complaints and getting the case registered by way of threat. The FIR in question came to be registered on 19.12.2019 for the offences under Sections 420, 465, 467, 468, 471, 389, 506 and 34 IPC against the petitioner and others. The petitioner was arrested on 12.01.2020.

Learned counsel for the petitioner submits that in fact Jai Kaur was grandmother of co-accused Parampal and Civil Suit No.384 of 1985 titled Banwari Lal Versus Smt. Jai Kaur was filed and decided by the Senior Sub Judge, Hisar on 18.05.1985. The decree passed in the said civil suit is missing from the court record. Thereafter, Parampal came to know that

the land in the name of Jai Kaur had been shown to be as exchanged from village Shishwala to village Tappa Khera by said Banwari Lal, but in fact Jai Kaur never acquired any land at village Tappa Khera, nor the same was in her knowledge. It has been alleged that the transfer was the result of criminal conspiracy and the land was transferred vide sale deed dated 12.06.1990 by way of impersonating Jai Kaur, who had already died on 26.08.1988. There is dispute with regard to date of death of Jai Kaur. According to learned State counsel, the date of death is 12.09.1996 at village Tappa Khera.

It is not in dispute that the challan has been presented. The charges have been framed and the petitioner is in custody since 12.01.2020. The offence is triable by the Magistrate and trial of the case may takes some time in its culmination.

In view of the aforesaid facts and circumstances, it would be just and appropriate to release the petitioner on regular bail.

In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

Nothing observed hereinabove, shall be construed to be an expression of opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE

01.04.2021
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No