

In virtual Court

CRM-M-18678-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18678-2021 (O&M)
Date of decision: 16.08.2021

Balvir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Batth, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.141 dated 22.08.2012 under Sections 419, 420, 465, 467, 468, 471, 474, 120-B IPC, registered at Police Station Kurali, District SAS Nagar (Mohali).

Learned counsel for the petitioner submits that initially, the FIR was registered against four persons namely Joginder Singh Nambardar, Paramjeet Singh, Pritpal Singh and Jasmer Kaur and thereafter, the petitioner was nominated by registering a DDR, however, during the investigation, he was found innocent and was kept in column No.2 along with co-accused Jaswant Singh, Paramjeet Singh and Joginder Singh Nambardar. It is further submitted that the petitioner had been summoned under Section 319 Cr.P.C. He had

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appeared before the trial Court and was granted bail and fresh charges were framed. It is also submitted that the petitioner absented from the Court proceedings on 07.07.2017 and his bail/surety bonds were cancelled and later on, he was declared proclaimed offender vide order dated 14.03.2018. He has challenged the said order by way of filing CRM-M-20217-2019 and this Court has directed the petitioner to surrender before the trial Court and apply for regular bail vide order dated 19.03.2021.

Learned counsel for the petitioner has further submitted that the petitioner has surrendered before the trial Court and has applied for regular bail, which has been dismissed on 12.04.2021. It is also submitted that in fact, the petitioner was summoned as additional accused under Section 319 Cr.P.C., as there is no direct allegation against him. It is next submitted that in the main proceedings, co-accused Jasmer Kaur and Jaswant Singh have died, whereas Pritpal Singh was acquitted, Paramjeet Singh and Joginder Singh were convicted and the petitioner was declared proclaimed offender.

Learned State counsel has filed the custody certificate dated 14.08.2021 in the Court today and submitted that out of total 11 prosecution witnesses, 10 PWs have already been examined and in case the petitioner is released on bail, he may again abscond from the Court proceedings.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 04 months and 14 days; he is not involved in any other case and in view of nature of allegations against him in the FIR, which are primarily against four other accused with regard to the dispute regarding a fake sale deed

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of the property of one Sunita Kanojia, who was impersonated by co-accused Jasmer Kaur (since died) and there are no direct allegations against the petitioner that he is beneficiary of the said sale deed, I deem it appropriate to grant him regular bail.

Accordingly, 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 and on payment of costs of Rs.10,000/- to be deposited with the Punjab and Haryana High Court Advocates' Welfare Fund.

The petitioner will furnish the receipt regarding payment of costs, while furnishing bail/surety bonds before the trial Court.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.08.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No