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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19054 of 2021
Date of Decision: 06.07.2021

KULWANT SINGH@ KANT

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. 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.162 dated 22.07.2017, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station City Faridkot, District Faridkot.

FIR was registered on the basis of complaint filed by Hardev Singh and Balwant Kaur against Jaswinder Singh, Jaswant Singh, Sukhwinder Singh, Gora Singh, Gulzar Singh, Kulwant Singh (petitioner), Santa Singh @ Satpal, Nachattar Singh, Kuldeep Singh-stamp vendor, Ranbir Kaur, Darbara

Singh, Dharampal, and Barra Singh etc. The allegations are that all the accused in connivance with each other forged an agreement to sell in respect of 89 Kanals 4 Marlas of land belonging to Balwant Kaur. All the accused had formed a gang to commit the forgery. In the year 2017, Jaswant Singh in connivance with other accused also forged one agreement to sell in respect of land belonging to Balwant Kaur and Buta Singh in the name of Arun Kumar and obtained a forged decree from the civil Court. Jasmail Singh father of Jaswant Singh was power of attorney of Arun Kumar. FIR No.44 of 2011 was registered against Jaswant Singh and other co-accused in which they were convicted and sentenced for the offences in question. Jaswant Singh is the head of the gang operating in this regard and many criminal cases have been registered against him and other co-accused. On 12.04.2016, accused Jaswinder Singh, who was in custody in FIR No.94 of 2011 under the NDPS Act and said Jaswant Singh was also in custody in Central Jail, Bathinda. They had forged agreement to sell in connivance with each other. The complainant belongs to Faridkot and the land is also situated in Faridkot. The complainant never purchased any stamp papers from Sultanpur Lodhi and never entered into any agreement to sell. The accused in connivance with each other forged the agreement to sell in respect of 89 Kanals 4 Marlas of land belonging to

Balwant Kaur without paying even a single penny to her. Co-accused Ranbir Kaur had also forged signatures of her sister regarding which she has been convicted and sentenced. Jaswinder Kaur had filed a civil suit and stay was granted. It has also been alleged that earlier Jaswant Singh filed false case against him and his family and he along with his brother Sukhwinder Singh used to threaten the complainant in respect of taking forcible possession of the land in question. With this background, the FIR came to be registered.

Learned counsel for the petitioner submitted that the offence is triable by the Magistrate. Challan has already been presented. Petitioner is in custody since 04.10.2019.

Learned State counsel however opposed the bail on the ground that the petitioner is involved in preparing forged documents. Factum of filing of challan and the offence being triable by the Magistrate are also admitted. Petitioner is in judicial custody.

Since the petitioner has already undergone 01 year 09 months and 1 day and the offence is triable by the Magistrate, therefore, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, 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 opinion on merits of the case.

July 06, 2021	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No