

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

**CRM-M No.20503 of 2021
Date of Decision:27.05.2021**

VISHWANATH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Bipan Ghai, Sr. Advocate with
Mr.Rishabh Singla, Advocate
for the petitioner.

Mr. Deepak Bharadwaj, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks regular bail under Section 439 Cr.P.C in case bearing FIR No.530 dated 25.10.2018, under Sections 419, 420, 467, 468, 471 and 120-B of IPC, registered at Police Station Sector 5 District Panchkula.

The allegations forming subject matter of FIR are that the house of the complainant which was purchased from Manjit Singh was sold by Amit Kumar in favour of his brother-in-law Umesh Singla on the basis of General Power of Attorney. The said forged General Power of Attorney was of Manjit Singh which was obtained by way of impersonating Manjit Singh after

his death on 29.08.2005.

The allegations are that Umesh Singla in connivance with Ranvir Singh got the petitioner impersonated and got one GPA executed by the petitioner while acting as Manjit Singh in favour of Amit Kumar on 06.07.2011. Amit Kumar sold the house in favour of his brother-in-law Umesh Singla. The transaction being fraudulent was further aggravated when Umesh Singla availed two loans from LIC Housing Finance Limited in collusion with officials of the Finance Company. He availed two loans of Rs.19 lakhs and Rs.9 lakhs from the Finance Company. Amount of Rs.19 lakhs was availed against the property whereas loan of Rs.9 lakhs was availed for construction.

Learned counsel for the petitioner further submits that in view of communication dated 26.10.2020, the loan of Rs.19 lakhs stands closed on repayment by Amit Kumar, whereas loan of Rs.9 lakhs is still in operation. An amount of Rs.19 lakhs was credited in the account of Amit Kumar and Amit Kumar has repaid the same as a measure of one time settlement which was duly accepted by LIC Housing Finance Limited. Loan of Rs.9 lakhs is still existing in the name of Umesh Singla and now Umesh Singla is in custody. Amit Kumar has deposited the amount of Rs.17 lakhs under one time settlement and an

amount of Rs.7,35,340/- is still pending in the name of co-accused Umesh Singla who is in custody.

Learned counsel further submits that petitioner has been implicated on the basis of disclosure statement of Amit Kumar.

The factual position of the case could not be disputed by learned State counsel, however he opposed the bail on the ground that petitioner was instrumental in forging the General Power of Attorney of a dead person and said General Power of Attorney was duly acted upon.

The complicity of the petitioner would be dependent upon nature of evidence to be brought on record by the parties during trial.

Petitioner is in custody since 16.03.2021.

Offence is triable by Magistrate. Trial of the case may take some time in its culmination.

Charges have not been framed.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without advert to the merits of the case, 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 regular 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.

27.05. 2021	(RAJ MOHAN SINGH)
<i>Amandeep</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No