

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

CRM-M-24508 of 2021 (O&M)

DECIDED ON: 16th JULY, 2021

Rao Imran Khan

.....PETITIONER

VERSUS

State of Haryana and another

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. R.S. Manhas, Advocate for petitioner.

Ms. Dimple Jain, AAG Haryana.

Mr. Diwan S. Adlakha, Advocate for applicant/respondent No.2.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

CRM-20364 of 2021

This is an application for impleading the victim Leena as respondent No.2 in the main petition.

Notice in the application.

Mr. R.S. Manhas, Advocate appears for non-applicant.

For the reasons stated in the application, the application is allowed and applicant-Leena is ordered to be impleaded as respondent No.2 in the main petition.

Amended memo of parties is taken on record.

CRM-20873-2021

Application is allowed.

Annexures R-2/1 and R2/2 are taken on record subject to all just

Main case

This petition is for grant of regular bail in case of FIR No. 386 dated 7.10.2020, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Farakpur, District Yamuna Nagar.

The FIR was registered at the instance of Rajni Kumari. As per allegations her mother Swaran Kaur was owner in possession of plot measuring 240 square yards situated at Sasoli Prahladpuri, Yamuna Nagar. She executed a 'Will' dated 19.6.2017 in favour of the complainant and her two brothers. It is stated that a forged agreement was prepared and on that basis a Civil suit was filed by Ranbir Singh. The suit was dismissed in January 2019. Thereafter the appeal was filed. On submission of application by brother of complainant for transferring the plot in their favour, it transpired that accused by preparing a forged Will and affidavits, got transferred the plot in their name.

On the forged documents, Imran (petitioner) and Salim were the attesting witnesses. The plot was transferred in the name of Satpreet vide deed dated 20.2.2019 who transferred it in the name of his father and plot was further sold to Leena. Ranbir Singh was arrested. The present petitioner surrendered on 1.4.2021 and on his disclosure statement Rs.91,000/- was recovered.

Learned counsel for the petitioner submits that the petitioner voluntarily surrendered and his role is only of an attesting witness. No recovery is to be made. The contention is that Rs.91,000/- recovered has nothing to do with the present case. The dispute is civil in nature.

Learned counsel appearing for applicant-Leena vehemently opposes the bail. He submits that the petitioner was not only the attesting witness but was the property dealer. He was the master mind who got share from the sale proceed. He relies upon the observations made in the impugned order that complainant was threatened to withdraw the complaint.

Learned State counsel opposes the prayer for grant of regular bail. She submits that the petitioner got Rs.14,00,000/- out of the sale consideration of the plot in dispute. She further fairly submits that the investigation qua the petitioner and co-accused Ranbir Singh is complete and challan stands presented.

The present case is set up on the basis of documentary evidence. There are allegations of forged affidavits and Will. The petitioner is only an attesting witness on the Will and other documents. There is nothing on record to show that any formal complaint or FIR was lodged with regard to any of the incident of threat. Investigation is complete; no recovery is to be made; conclusion of trial is likely to take time and no useful purpose would be served by keeping the petitioner behind bar. The petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

Needless to say that in case there is any misuse of bail granted, the parties are always at liberty to avail remedy in accordance with law.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

16th JULY, 2021

reema

Whether speaking/reasoned Yes

Whether reportable Yes