

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

CRM-M-36366 of 2020

DATE OF DECISION :- February 12, 2021

Kesar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Gursimran Singh Jossan, Advocate for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Kesar Singh, aged about 37 years son of Baldev Singh, resident of Village Khawaspura, P.S. Sadar Rupnagar, Tehsil and District Rupnagar, an accused in F.I.R. No. 5 dated 23.1.2020 registered with Police Station Rupnagar, District Rupnagar for offences under Sections 420, 465, 467, 468, 471 and Section 120-B, 419 (added later on) IPC.

Briefly stated the facts of the case as per prosecution story are that criminal machinery in this case was set into motion by complainant Charanjit Singh, who in the statement made to the police had stated that one Harjit Singh son of Vasudev Singh had appointed him as a attorney to manage his property measuring 11 kanals 18 marlas situated at village Dangoli stand in the name of his father. Accordingly, he tried to know about the property and came to know that one Swaran Singh son of Joginder

Singh in connivance with some other person had got the land transferred in his name since Swaran Singh knew that Vasudev Singh was not residing in the village since long and his landed property was not being attended to. Inter alia in the statement, complainant Charanjit Singh stated that Vasudev Singh had died on 11.2.2008.

After registration of the formal F.I.R. the investigation in the case started and it came out that petitioner accused Kesar Singh had sold the landed property to Vasudev Singh after his death by taking power of attorney in his name from some person impersonating as Vasudev Singh and then had executed the sale deed. He was arrested in this case. After completion of investigation and other formalities, challan against the present petitioner and co-accused has since been filed in the Court, which is stated to be at the stage of framing of charge. Petitioner accused had approached the Court of Sessions at Rupnagar seeking regular bail. His such application which was assigned to Additional Sessions Judge, Rupnagar, who vide order dated 4.5.2020 dismissed the same, as such he has approached this Court craving for grant of similar relief by filing the present petition, which is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As per custody certificate filed by the State counsel today which be taken on record, the petitioner is stated to be in custody since 24.4.2020. Though the challan had been filed in this case but the conclusion of trial is likely to take considerable time since as informed by learned State counsel, the case is still at the stage of framing of charge. The guilt of the accused shall be determined during the trial.

Thus without going into the merits of the case, I find that further detention of the petitioner is not going to serve any fruitful purpose, therefore, the petition deserves to be accepted and it is hereby allowed. Petitioner Kesar Singh is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Rupnagar subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.
- (vi) he shall get his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on his movements and he is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

February 12, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No