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

**CRM-M-39247-2021
Date of Decision: 24.9.2021**

Chanan Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amit Arora, Advocate for the petitioner.

Ms. Samina Dhir, D.A.G., Punjab.

Mr. B.S. Bhalla, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in F.I.R. No. 146, dated 29th July, 2021, under Sections 419, 420, 467, 468, 471 and 120-B IPC registered at Police Station Dharmkot, District Moga.

[3] The brief facts are that FIR was lodged on complaint of Amarjit Singh, an NRI. He was owner of a land in village Fatehgarh Korotana, District Moga. As per the allegations, on 20.11.1997, the brother of the complainant, Joginder Singh in connivance with Gurpal

Singh, Nambardar and Lal Singh got executed a power of attorney and on the basis of the said power of attorney, transferred 3 Kanals of land in favour of Chanan Singh (Petitioner) by executing sale deeds. The complainant filed a Civil Suit against his brother challenging the power of attorney. The suit was decreed in favour of the complainant but the mutation proceedings have been kept *sine die*.

[4] Learned counsel for the petitioner submits that petitioner is not the beneficiary but is a victim. The sale deed was executed by Joginder Singh on receipt of the consideration, he is bonafide purchaser. He further relies upon the fact that Joginder Singh was granted bail by this Court.

[5] Learned State counsel opposes the prayer for grant of bail. She submits that accused is the beneficiary of the transaction and the transaction was on the basis of a forged power of attorney. She further on instructions from ASI Sartaj Singh submits that investigation is complete and challan is ready.

[6] Though not impleaded as party, Mr. B.S. Bhalla, Advocate appears on behalf of the complainant. He vehemently opposes the prayer for grant of bail. He submits that it is a case where the brother of complainant in connivance with other accused including the petitioner deprived the complainant of his land.

[7] The case is set up on the basis of the documentary evidence. The investigation in the case is complete. No recovery is to be made from the petitioner. The co-accused has already been granted bail.

Conclusion of trial is likely to take time. No useful purpose would be served by depriving the petitioner of his personal liberty. The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[8] The petition is allowed.

[9] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

24th September, 2021
ps-I

[AVNEESH JHINGAN]
JUDGE

1. Whether speaking/ reasoned	:	Yes/No
2. Whether reportable	:	Yes/No