

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-777-2022 (O&M)

Date of Decision:- 24.11.2022

Sher Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Malkit Kaur, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab.

Ms. Shivya Sehgal, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 22 dated 24.7.2021, Police Station NRI, District Police Commissionerate Amritsar, under Sections 420, 467, 468, 471, 474, 255, 120-B IPC.
2. The FIR was lodged at the instance of Gitish Singh Bhalla, wherein it is alleged that his family has been in possession of land in question since the year 1986 and that their possession has matured into ownership though in revenue record land is shown to be owned by Dayal Singh s/o Faqir Singh. It is alleged that the accused on the basis of forged documents got a mutation sanctioned as regards estate of Dyal Singh s/o Fakir Singh in favour of Amar Kaur w/o Dyal Singh and thereafter on the basis of forged WILL in favour of

Lakhwinder Singh, a mutation was sanctioned in Lakhwinder Singh's favour. It is further alleged that immediately after the said mutation in favour of Lakhwinder Singh, he sold the land in question by way of two sale deeds dated 24.10.2020 and another sale deed of October, 2020. The role attributed to the petitioner is that at the time of sanction of mutation in favour of Amar Kaur, the petitioner had appeared as a witness and had made a statement that the death certificate of Dayal Singh s/o Faqir Singh is correct whereas in fact it was a forged certificate.

3. Learned counsel for the petitioner has submitted that the petitioner had merely appeared as a witness and had no role whatsoever as regards forgery, if any, and had made a statement on the basis of document produced at the time of mutation. It has further been submitted that the petitioner cannot be said to be a beneficiary in any manner. Learned counsel has further submitted that the matter in any case already stands amicably resolved amongst the parties.
4. Opposing the petition, learned State counsel has submitted that since the petitioner had played a pivotal role at the time of sanction of mutation on the basis of forged documents, he does not deserve the concession of bail. It has however been informed that the petitioner as on date has been behind bars since the last more than 11 months and that although challan has been presented but trial is yet to commence.

5. Learned counsel for the complainant has endorsed the factum of compromise and has stated that the complainant does not have any objection for grant of bail to the petitioner.
6. This Court has considered the rival submissions.
7. Though, there are allegations against the petitioner particularly on the basis of the investigation, as per which the petitioner had appeared as a witness at the time of mutation of the property and had stated that that death certificate of Dayal Singh s/o Faqir Singh is correct whereas it was in fact a forged document, but this Court finds that the petitioner has been behind bars for a substantial period of more than 11 months. The matter otherwise is stated to have been compromised and co-accused Kulwant Singh and Amrik Singh have already been granted bail. In these circumstances further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.11.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No