

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

213

CRM-M-1713-2022
Decided on : 28.02.2022

Balvir Singh

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)

PRESENT: Mr. Atul Sharma, Advocate
for the petitioner.

Mr. Charanjit Singh Bakhshi, Addl. P.P., UT, Chandigarh.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of bail to the petitioner in case FIR No. 179 dated 14.11.2021 under Sections 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Central Sector 17, Chandigarh.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has not been named in the FIR and as per prosecution case, one General Power of Attorney and Will have been forged and fabricated but the present petitioner is neither the author nor the beneficiary and is not an attesting witness to the said documents. It is submitted that no actual transaction took place and no loss was caused to the complainant. It is further submitted that the petitioner is

in custody since 23.11.2021 and the investigation in the present case is complete and the Challan has been presented and there are as many as 23 witnesses out of whom none have been examined and thus, the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation. It is also submitted that the petitioner had lost his wife in June, 2021 on account of COVID-19 pandemic and also has 2 children to take care of, and both are students.

Learned State counsel has opposed the present application for regular bail and has submitted that as per the challan, there is enough material against the present petitioner. The first piece of evidence which is there against the petitioner is the statement of the mother of the complainant, who is stated to have identified the present petitioner as the person came to her house alongwith a girl 2 months prior to the registration of the FIR and made enquiries about the agricultural land belonging to the complainant. It is contended that in the FIR, although, the petitioner has not been named but the specific mobile number belonging to the petitioner has been given and as per the statement of Punnu, who is working in the house of the complainant, under Section 161 Cr.P.C., he has stated that the said number was given by the petitioner to the complainant and her family members. Statement of one Balbir Singh, typist at the Estate Office, under 161 Cr.P.C. has also been recorded who has also stated that the petitioner alongwith other persons came to get some documents typed and had the original GPA and Will with them. Even the statement of Advocate Romil Garg

has also been recorded which also shows that the petitioner is involved in the case of forgery. It is further contended that the petitioner is not a *Granthi* and is, in fact, a property dealer and there are even some call details so as to connect him to all the persons concerned.

This Court has heard the learned counsel for the parties and has perused the paperbook.

The petitioner is not specifically named in the FIR. GPA and Will of the complainant have been stated to be forged but the present petitioner is not shown to be the author or the attesting witness of the said documents. Even from the said documents, it cannot be said that the petitioner is the beneficiary. Although, there seems to be material against the petitioner but the investigation in the present case is complete and the petitioner is stated to be not involved in any other case and has also lost his wife and has two children, who are students, who would need the care of their father i.e. the petitioner. The present case is triable by the Magistrate. Challan in the present case has already been presented and there are as many as 23 witnesses out of which none have been examined and thus, the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation.

Keeping in view the abovesaid facts and circumstances, the present petition for regular bail is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness or commits any criminal offence in future, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

February 28th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No