

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

CRM-M-1797-2022
Reserved on: 05.12.2022
Pronounced on: 08.12.2022

Gurpreet Singh

...Petitioner

Versus

Union Territory, Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manbir Singh Batth, Advocate, for the petitioner.

Mr. Rajeev Anand, APP, U.T. Chandigarh.

HARNARESH SINGH GILL, J.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.63 dated 02.03.2021 under Sections 166, 201, 218, 328, 331, 344, 365, 386, 419, 420, 452, 465, 467, 468, 471, 473, 474, 477, 120-B IPC and Sections 7 and 13(1)(2) of the Prevention of Corruption Act, 1988 (added later on), registered at Police Station Sector-39, Chandigarh.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the present case; that there was no allegation against the petitioner qua wrongful confinement, criminal trespass and abduction of Rahul Mehta; that the attesting witnesses to the cancellation deed, namely, P.K.Dass. and Vyas Chawla, have not been arraigned as accused in the present case for the reasons best known to the investigating agency; that the petitioner has not received any amount from any corner, and that in the complaint given to the

police, there was not even a single allegation against the petitioner. He has further contended that as per the allegations, the petitioner had impersonated himself as Rahul Mehta and got cancelled the GPA dated 27.04.2017 in favour of Khalendra Singh Kadyan and Arvind Singla from the Sub Registrar, Chandigarh, on 01.03.2019, and further transferred the house in question in favour of one Saurabh Gupta, but the same is beyond the understanding of a common prudence, for the reason that the cancellation deed and the transfer deed bear the original passport size photograph of Rahul Mehta. He has further contended that it is highly improbable that Rahul Mehta had been impersonated by the petitioner in the manner as alleged by the prosecution.

Learned counsel has further contended that the petitioner has been in custody since 11.06.2020 and the challan has already been presented. He has further contended that co-accused Manish Gupta, Saurabh Gupta, Satpal Dagar and Arvind Singla had since been granted the concession of regular bail by the Coordinate Benches, vide orders dated 19.05.2021, 23.11.2021 and 15.12.2021. Moreover, co-accused Daljit Singh @ Rubbal had been granted the concession of anticipatory bail by learned Addl. Sessions Judge, Chandigarh, vide order dated 06.07.2021.

On the other hand, learned APP, U.T. Chandigarh, has contended that the co-accused had engaged the petitioner to impersonate Rahul Mehta; that by impersonating himself as Rahul Mehta, the petitioner had signed documents to get added the name of Rahul Mehta as a joint account holder with

Khalendra Singh Kadyan, and on 01.03.2019, got cancelled the GPA in favour of Khalendra Singh Kadyan and Arvind Singla and further executed the sale deed qua the same property in favour of Saurav Gupta. He has further contended that CFSL report has supported the prosecution case that signatures of Rahul Mehta on the general power of attorney and the sale deed had been forged by the petitioner, and that all the accused had conspired to forge documents to sell house of Rahul Mehta to misappropriate the proceeds thereof.

I have heard the learned counsel for the parties.

The allegations against the petitioner are of impersonation. As per the custody certificate, he has been in custody since 13.06.2021 which indicates that the undertrial period of the petitioner is more than 1 year and five months. Other co-accused, namely, Manish Gupta, Saurabh Gupta, Satpal Dagar and Arvind Singla, have already been granted the concession of regular bail. Even, Rajdeep Singh, co-accused, has also been granted the concession of regular bail vide order dated 28.09.2022 passed by this Court. Though the learned APP has vehemently opposed the bail on the ground that Rahul Mehta is yet to be examined in the Court, yet the fact remains that he said Rahul Mehta is stated to be in police protection.

As the case is already at the stage of prosecution evidence, no further custodial interrogation of the petitioner is required. The other co-accused, as noticed above, have since been granted the concession of bail. The trial may take long time to conclude.

In view of the above, without expressing any opinion

on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed. The petitioner is ordered to be released on bail, subject to his furnishing surety/bail bonds to the satisfaction of the trial Court.

08.12.2022
Praveen/ds

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No