

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4316-2022 (O&M)

Date of Decision: 21.11.2022

Bhag Singh

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Ms. Molly A. Lakhanpal, Advocate for the petitioner.

Mr. Jaspal Singh Guru, Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.267 dated 16.12.2014 registered under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Sohana, District Mohali.

The above-said FIR was registered on the complaint dated 27.02.2014 received from the office of Land Acquisition Collector, SAS Nagar, on the allegations that some unknown person impersonating himself as Bhag Singh S/o Teja Singh (petitioner) got released the compensation amount of Rs. 13,19,877/- vide cheque No. 070788 dated 16.12.2021, qua land measuring 11.75 marlas owned by Bhag Singh-petitioner. However, as per report dated 06.11.2013, obtained from Account Branch of the office of complainant, the aforesaid cheque was

received by the petitioner-Bhag Singh, for acquisition of his land. Before releasing compensation to present petitioner, he was got identified from Karamjit Singh, the then Panch of village Lakhnaur and his thumb impressions were obtained on the payment register. Subsequently, the petitioner had filed two complaints dated 28.10.2013 and 17.12.2013, with the allegations that he had not received any compensation for his land acquired and the same was obtained by some unknown person. The matter was inquired by the complainant-Land Acquisition Collector and it was revealed that Rupinder Singh, Lambardar had attested the payment form of the petitioner on his asking on 15.11.2011, however, Karamjit Singh, Panch had not signed the payment register on 16.12.2011 maintained by PUDA. From the preliminary enquiry it reveals that some unknown person had obtained the aforesaid compensation amount through the aforesaid cheque from PUDA officials, on the basis of forged and fabricated documents. During the course of inquiry, it had come on the record that the aforesaid cheque No. 070788 dated 16.12.2011 was got encashed by one Surmukh Singh resident of village Siau, who got recorded his statement wherein he stated that the aforesaid cheque had been given to him by Davinder Kaur, who is the niece of petitioner-Bhag Singh, towards return of earlier loan amount of Rs.40,00,000/-. During further investigation, it had come on record that the petitioner himself had permitted the husband of his niece to impersonate in his place and withdraw the amount of Rs.13,19,877/- vide cheque No. 070788 dated 16.12.2011 from the HDFC Bank, Mohali and has later on moved a complaint that some unknown person has withdrawn the afore-said

amount, by impersonating him despite the fact that the same was to be paid to him by the PUDA/GMADA. Moreover, the petitioner also refused recognize and identify the photograph of his son-in-law (husband of his niece) affixed on the opening form for opening the account through which the aforesaid amount of compensation was withdrawn which show the complicity of petitioner in the alleged withdrawal of Rs.13,19,877/- vide cheque No. 070788 dated 16.11.2011, by way of cheating.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. She further submits that in fact petitioner is the complainant in the instant case and he has wrongly been nominated by the local police on the basis of false and concocted story. Land of the petitioner situated in village Berampur was acquired by GMADA but GMADA had neither released any amount nor issue the LOI against the aforesaid acquisition. With regard to controversy involved in the present case, the petitioner had already filed a civil suit titled 'Bhag Singh Vs. GMADA', which was decided in favour of the petitioners vide judgment and decree dated 27.11.2015 (Annexure P-2). The petitioner is in custody since more than one year. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has submitted that the petitioner himself had permitted the husband of his niece to impersonated in his place and withdraw the amount of Rs.13,19,877/- vide cheque No. 070788 dated 16.12.2011 from the HDFC Bank, Mohali

by way of cheating. Therefore, the petitioner does not deserve concession of regular bail and the present petition may be dismissed.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

The petitioner-Bhag Singh is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

November 21, 2022
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No