

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

CRM-M-7391-2022 (O&M)
Date of decision : 02.03.2022

Hardeep Singh		... Petitioner(s)
	Versus	
State of Punjab		... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Patiyal, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 (CrPC) for grant of regular bail to the petitioner in FIR No.195 dated 05.12.2018 under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Dharamkot, District Moga. The first petition for grant of regular bail (CRM-M-13293-2020) was dismissed vide order dated 09.07.2020.

The allegations in the FIR lodged at the instance of complainants Sukhwinder Kaur and Satwant Kaur are that the land in question was sold to the complainants by the petitioner, along with others, vide registered sale deeds dated 08.09.2016 and 06.04.2018. Subsequent to the execution of the sale deeds, the petitioner transferred the land in question in favour of the wife(s) of the petitioner/co-accused. It is further the allegation in the FIR that the said transfers were done by forging and fabricating documents.

Learned counsel for the petitioner has contended that the petitioner has falsely been implicated in the case by the complainants by preparing forged and fabricated documents. It is argued that the sale deeds dated 08.09.2016 and 06.04.2018 alleged to be executed by the petitioner and others mention the entire sale consideration being paid by cash whereas as per the Income Tax Act, 1961 no payment in excess of ₹20,000/- could be made in cash. Learned counsel has submitted that the Bhupinder Singh, husband of the complainant Sukhwinder Kaur, was a commission agent (*Arhtiya*) and used his influence to get the sale deeds executed without payment of any consideration promising to pay the amount later. According to counsel the said Bhupinder Singh was duping innocent people and there were complaints and news reports against him.

Learned counsel for the petitioner has contended that since the dismissal of the first petition for grant of regular bail the circumstances have changed inasmuch as the charges have been framed, the trial has commenced and the period of custody of the petitioner has increased. He also submitted that it is a Magisterial trial and the petitioner is in custody since 06.03.2020.

Learned counsel for the petitioner has further contended that the co-accused, namely, Jarnail Singh, has since been granted regular bail by this Court vide order dated 24.01.2022 passed in CRM-M-27190-2021.

Learned counsel for the State has opposed the grant of bail and urged that there are serious allegations against the petitioner of transferring property in favour of his wife after having sold it to the complainants. The

learned counsel is, however, not in a position to deny that similarly situated co-accused has since been granted bail by this court.

Heard.

The allegations made by the complainants in the FIR are that having executed the sale deeds in their favour vide sale deeds dated 08.09.2016 and 06.04.2018, the petitioner and others had by forging and fabricating documents transferred the same land in favour of their wife(s). Since the dismissal of the first bail application, the investigation *qua* the petitioner is complete, challan stands presented and charges framed on 19.08.2021. The trial has commenced. No recovery is to be made from the petitioner who has been in custody since 06.03.2020. The case is of a Magisterial trial and in such like situation, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. The co-accused, namely, Jarnail Singh, has since been granted regular bail by this Court vide order dated 24.01.2022 passed in CRM-M-27190-2021.

Keeping in view the above facts and without commenting upon the merits of the case, I deem this to be a fit case for grant of regular bail to the petitioner. The petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

02.03.2022
Yogesh Sharma

**NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO**