

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7340-2022 (O&M)
Date of decision: 28.03.2022

Krishan Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harish Bhatti, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.486 dated 29.12.2020 under Sections 419, 420, 467, 468, 471 IPC, registered at Police Station Civil Lines, Jind.

Learned counsel for the petitioner submits that the FIR was registered at the instance of one Shamsheer with the allegations that he had purchased one house measuring 184 square yard in the name of his wife Sumitra Devi from Smt. Rita Devi, who had earlier purchased it from one Maya Devi. It is further stated that Maya Devi had purchased this property from the LRs of Ishwar Singh on 06.03.2000. Ishwar Singh had purchased said property on 18.07.1996 from one Sube Singh, who was owner of the property, as per jamabandi/revenue record, however, neither mutation of the sale deed executed

by Sube Singh in favour of Ishwar Singh was sanctioned nor of the subsequent sale deed were entered in the revenue record, therefore, Sube Singh continued to be shown owner in the revenue record. It is also stated that main accused Ashish Kumar, taking benefit of the same, got a sale deed dated 17.01.2013 in his name by producing a fake person in place of Sube Singh (fake person is identified as petitioner Krishan Kumar). It is further stated that Ashish Kumar took a loan of Rs.12,72,215/- from the Bank and now the Bank is proceeding against the property i.e. house in dispute.

Learned counsel further submits that the petitioner is first offender and even as per allegations in the FIR and in his own disclosure statement, he acted on asking of Ashish Kumar for a payment of Rs.2,000/-. It is also submitted that the petitioner is in custody for the last 06 months and 24 days and is not involved in any other case.

Status report by way of affidavit of ASI Deepak Kumar, Economic Offences Wing, Jind, filed in the Court today, is taken on record, in which it is stated that initial investigation was conducted by ASI Balwan Singh, Police Post Court Complex, Jind and on 02.09.2021, the petitioner was joined in the investigation and during interrogation, his disclosure statement was recorded, in which he stated that on asking of co-accused Ashish Kumar, he appeared as Sube Singh before the Sub Registrar, as Ashish Kumar promised him to pay Rs.2,000/-, but he did not make the payment and thereafter, the petitioner was arrested. It is stated in para No.8 of this affidavit that on 07.09.2021, co-accused Ashish Kumar was joined in the investigation and during interrogation, he suffered a disclosure statement confessing his guilt in entirety.

Learned State counsel submits that co-accused Ashish Kumar is

also stands arrested.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that investigation qua the petitioner is complete and he is not involved in any other case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.03.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No