

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9294-2022

Date of decision : 12.05.2022

Karanbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Rajvinder Kaur, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Abhilaksh Grover, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.190 dated 25.08.2021 registered under Sections 454, 448, 34 IPC (Sections 419, 467, 468, 471 and 120-B IPC added later on) at Police Station Mataur, District SAS Nagar.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not aware that Kuldeep Kaur, who had entered into the agreement to sell in question with the petitioner, was not the real Kuldeep Kaur and was in fact Surjit Kaur inasmuch as said Kuldeep Kaur (actually Surjit Kaur) had fabricated aadhar card no.4729 0611 1691 and had mentioned her name as Kuldeep Kaur. It is further submitted that the primary grievance of the complainant in the present case is that the petitioner had trespassed into the flat in question and had fabricated a

document. It is also submitted that the petitioner is not in possession of the said flat. It is stated that there is civil litigation between the parties and the petitioner has been in custody since 09.02.2022 and the challan in the present case has been presented and there are 19 prosecution witnesses, none of them have been examined.

Learned State counsel and learned counsel for the complainant have opposed the present petition for regular bail and have submitted that the complainant's mother is the original owner of the flat concerned and on account of forgery in the aadhar card as well as in the agreement dated 26.04.2021 entered into by Surjit Kaur by impersonating as Kuldeep Kaur, the property which belongs to the complainant has been illegally taken by the petitioner.

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

The petitioner has been in custody since 09.02.2022 and the challan has already been filed and there are 19 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. The entire case is based on documents and it is the case of the petitioner that she was not aware that the said Surjit Kaur had forged the said aadhar card in the name of Kuldip Kaur and had impersonated her and had entered into the said agreement in favour of the present petitioner. The question as to whether the petitioner had played a role in forging the documents in question is a matter of debate which would be finally adjudicated at the time of the trial. Learned counsel for the petitioner has fairly submitted that the petitioner is not in possession of the said property.

Keeping in view the above said facts and circumstances, the

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

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

(VIKAS BAHL)
JUDGE

May 12, 2022
Davinder Kumar

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