

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12176-2022

Date of Decision:-19.04.2022

Rang Lal.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vikram Singh Punia, Advocate for the Petitioner.

Mr. Praveen Kumar Aggarwal, Deputy Advocate General
Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.518 dated 21.07.2020 under Sections 419, 420, 467, 468, 471, 120-B IPC registered at Police Station City Sonapat, District Sonapat.

The brief facts of the case are that complainant Pawan son of Om Parkash got recorded his complaint to the effect that he along with his father had purchased a 500 square yards plot vide sale deed no.228 dated 25.06.1999 and mutation was also entered in their names. When he approached the *Halqa Patwari* for taking loan to raise construction on the property, he came to know that some fictitious person had sold 193.5 sq. yards to accused no.2 i.e. Bharto wife of Mahabir Singh on 14.09.2011 by

setting up a fictitious Pawan Kumar. At the time of the sale deed, the photograph of Mahabir Singh was taken. On inquiry it was revealed that accused no.4-Rang Lal (present petitioner) and the accused no.5-Mahabir Singh Saini were the witnesses to the forged sale deed while accused no.6 i.e. the deed writer Gian Chand Kapoor had prepared the same. Based on the aforementioned complaint, present FIR came to be registered. During the course of investigation it came to light that one Rajesh @ Raju (since deceased) had approached the fictitious Pawan Kumar son of Om Parkash to impersonate the complainant at the time of execution of the sale deed dated 14.09.2011.

The Counsel for the petitioner has argued that the petitioner allegedly identified the fictitious Pawan Kumar as the original Pawan Kumar on the asking of the other co-accused. In fact he did not know the actual seller. He further submitted that similarly situated co-accused have been granted the concession of anticipatory bail vide orders Annexure P-2 & P-3 respectively. He submits that the petitioner is of the age of 76 years and as such his further incarceration was not required. He lastly submitted that the challan had already been submitted in Court and as many as 13 prosecution witnesses were to be examined.

The Counsel for the State on the other hand has contended that the petitioner is one of the main accused having wrongfully identified the fictitious Pawan Kumar as the original vendor (complainant). He thus contended that the petitioner do not deserve the concession of bail. However, he admits that the investigation has been completed and challan had already been filed and none of the prosecution witnesses have been examined.

I have heard counsel for both the sides at length.

Admittedly, the similarly situated co-accused have been granted the concession of anticipatory bail by this Court vide orders Annexures P-2 & P-3 respectively. The investigation stands completed and as many as 13 prosecution witnesses are yet to be examined. The petitioner is in custody since 07.02.2022 and as such the further incarceration is not required.

In view of the aforesaid facts as also the fact that the petitioner is of 76 years of age and the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner **Rang Lal** son of Sh. Bali Ram is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, Sonapat.

If the petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 19, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>