

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

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CRM-M-12618-2022
Date of decision: 30.03.2022

ROHIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. A.K. Khurana, DAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for seeking concession of regular bail in case FIR No. 292 dated 03.08.2021 under Sections 379-B (2), 451, 427 read with Section 34 IPC registered at Police Station Islamabad, District Amritsar, Punjab.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the aforesaid case that has been lodged by Shivani who is the sister of the petitioner as a counter blast to the FIR got registered by the father of the petitioner against the complainant. He submits that the father of the petitioner as retired from Indian Railway on 31.10.2019 from the Post of Senior Section Engineer and his mother also retired as Lady Health Officer from the Office of Civil Surgeon, Amritsar after rendering 30 years of service. As both the parents of the petitioner were in Government service, they purchased a house in their joint name vide registered sale deed dated 14.07.2005

from their self-acquired income.

3. The complainant-Shivani being the only daughter (sister of the petitioner) was married to one Harvinder Singh on 24.06.2012. The financial condition of Harvinder Singh was not good as he used to work as a Carpenter. Accordingly, Shivani and her husband started living with the petitioner in their house. That out to love and affection, parents of the petitioner executed a transfer deed dated 20.11.2015 in respect of the house purchased by them vide registered sale deed dated 14.07.2005. However, upon the transfer of the said house in their favour, the behaviour of the Shivani and her husband changed drastically. With a view to mellow-down the hostility, the father of the petitioner purchased one Bullet motorcycle for Harvinder Singh and also brought some jewellery for his daughter-Shivani-the complainant. Mother of the petitioner had died on 01.02.2021 and thereafter, the complainant as well as her husband turned out the father of the petitioner on 30.05.2021 from the house gifted to them by the father. Harvinder Singh also attacked the father of the petitioner on 19.06.2021 and 22.06.2021 and the FIR No. 209 dated 01.08.2021 pertaining to the incident was registered at Police Station Islamabad against the complainant Shivani and her husband. In addition thereto the father of the petitioner has also filed a petition under Section 23 of Senior Citizens Acts for cancellation of the transfer deed dated 20.11.2015 executed by him in favour of the complainant-Shivani. Besides, the complainant-Shivani has also filed a Civil Suit against the petitioner and his wife on 10.06.2021. Hence, a lot of civil dispute is pending between the parties.

4. Learned counsel also contends that in order to prejudice the rights of the father of the petitioner, the complainant sold the above said house in favour of one Amandeep Kumar vide sale deed dated 27.07.2021 i.e. after filing of the petition under Section 23 of the Senior Citizens Act on 29.06.2021. Learned counsel contends that the instant false case has been framed against the petitioner to pressurize the father of the petitioner to withdraw the proceedings initiated against Shivani and her husband Harvinder. He further submits that the petitioner is in custody since 17.02.2022 and is no longer required for the investigation of the matter. Besides, the co-accused Narinder Kumar (father of the petitioner) has already been granted the concession of anticipatory bail by this Court vide order dated 14.03.2022.

5. Ms. A.K. Khurana, DAG, Punjab opposes the prayer made by the petitioner and submits that as per the allegations, the petitioner is specifically identified and is attributed overt act of snatching the ATM Card. She thus submits that the petitioner having been specifically named in the FIR, no such indulgence or concession ought to be extended to the petitioner.

6. The said submission of the learned State counsel is controverted by learned counsel for the petitioner to contend that no ATM card was recovered either from the petitioner or his father and as such, the allegation is misconceived. No such incident of snatching ever took place.

7. I have considered the submissions advanced by the learned counsel appearing on behalf of the respective parties and taking into consideration, the facts stated above including the previous litigation

amongst the parties, the version as well as cross-version and also the fact that the petitioner is in judicial custody and is no longer required for the purpose of investigation which is though pending. However, the trial of the case is not likely to commence soon and is not likely to be concluded in a near future. No object of justice would be advanced by continued incarceration of the petitioner in custody.

8. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, Amritsar.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 30, 2022
vishal sharma

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