

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17859-2022
Date of Decision:06.05.2022

Kuldeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Arav Gupta, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, 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 (Annexure P-1).

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 person namely 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

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 learned counsel for the petitioner has argued that the petitioner has been named in the disclosure statement of Mahabir Singh Saini with the allegations that he was one of the accused persons who had conspired to get executed the forged sale deed. He submits that other than this, there is no other evidence against the petitioner. The other co-accused of the petitioner namely Burfo Devi in CRM-M-144-2021 dated 06.01.2021 (Annexure P-5), Mahabir Singh Saini in CRM-M-29475-2020 dated 24.09.2020 (Annexure P-6) and Rang Lal in CRM-M-12176-2022 dated 19.04.2022 (Annexure P-7) have been granted the concession of either anticipatory bail or regular bail and therefore, the petitioner also deserves the concession of regular bail. He submits that the challan had already submitted in the Court and as many as 13 prosecution witnesses were to be examined.

On the other hand, the learned State counsel contends that the petitioner is one of the accused who had conspired to get executed the forged sale deed and thus, the petitioner did not deserves the concession of regular bail. He, however, admits that the co-accused of the petitioner have since been granted either regular bail or anticipatory

bail, investigation stands completed and the challan has already been filed.

I have heard learned counsel for both the sides at length.

Admittedly, the similarly situated co-accused have been granted the concession of either anticipatory bail or regular bail by this Court vide orders Annexures P-5, P-6 and P-7. 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 trial is not likely to be concluded in near future, the present petition is allowed and the petitioner Kuldeep son of Fateh Singh 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

06.05.2022
JITESH

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