

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-21425-2022 (O&M)

Kulwant Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-21528-2022 (O&M)

Amrik Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-10.10.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jivtesh Singh Negi, Advocate,
for the petitioner in CRM-M-21425-2022.

Mr. Rishu Mahajan, Advocate,
for the petitioner in CRM-M-21528-2022.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Vijay Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Kulwant Singh and Amrik Singh seeking grant of regular bail

in respect of a case registered vide FIR No.022 dated 24.7.2021 at Police Station NRI, Police Commissionerate, Amritsar, under Sections 420, 467, 468, 471, 255 and 120-B of Indian Penal Code.

2. The FIR was lodged at the instance of Gitish Singh Bhalla, wherein it is alleged that his family has been in possession of land in question since the year 1986 and that their possession has matured into ownership though in revenue record land is shown to be owned by Dayal Singh s/o Faqir Singh. It is alleged that the accused on the basis of forged documents got a mutation sanctioned as regards estate of Dyal Singh s/o Fakir Singh in favour of Amar Kaur w/o Dyal Singh and thereafter on the basis of forged WILL in favour of Lakhwinder Singh, a mutation was sanctioned in Lakhwinder Singh's favour. It is further alleged that immediately after the said mutation in favour of Lakhwinder Singh, he sold the land in question by way of two sale deeds dated 24.10.2020 and another sale deed of October, 2020.
3. The learned counsel representing the petitioner Amrik Singh (in CRM-M-21528-2022) has submitted that the petitioner had merely attested two sale deeds in favour of Kulwant Singh as a witness, which have been executed by Lakhwinder Singh and that he had no knowledge about any fraud which may have been committed previously in respect of the land in question.
4. The learned counsel representing the petitioner Kulwant Singh (in CRM-M-21425-2022) has submitted that he is a *bona fide* purchaser having purchased the land vide two sale deeds executed in October, 2020 by Lakhwinder Singh and that he had taken all necessary steps for verifying about the ownership of Lakhwinder Singh from revenue record, which was found to be duly verified.

5. Opposing the petition, the learned State counsel has submitted that the petitioners are the part and parcel of larger conspiracy and have participated actively in forging death certificate of Dayal Singh and WILL of Amar Kaur. The learned State counsel has further submitted that there is no evidence that any sale consideration had actually been passed-on by Kulwant Singh to Lakhwinder Singh. The learned State Counsel has, however, informed that the petitioners, as on date, have been behind bars since the last about 6 months and are not involved in any other case. It has also been informed that although charges have been framed but none out of the cited 18 PWs has been examined.
6. This Court has considered rival submissions.
7. Without commenting anything as regards merits of the case but while bearing in mind that the petitioners have been behind bars since the last about 6 months and otherwise have a clean record and also the fact that conclusion of trial is likely to consume time as none out of the cited 18 PWs has been examined so far, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of connected case.

10.10.2022

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(Gurvinder Singh Gill)**Judge**Whether speaking /reasoned
Whether ReportableYes / No
Yes / No