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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-23065-2022 (O&amp;M)

Date of Decision:31.05.2022

Jagtar Singh

.. Petitioner

Vs.

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Buta Singh Bairagi, Advocate for the petitioner.  
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.2 dated 22.04.2022 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station NRI, Moga, District Moga. The petitioner is in custody since his arrest on 04.05.2022.

The allegations as noticed by Id. Addl. Sessions Judge, Moga in the order dated 16.05.2022 are as under:

*“....that present FIR has been lodged on the basis of complaint moved by Sharandeep Kaur wife of Tarlochan Singh for registration of case against Gurwinder Singh son of Kirpal Singh; Harpal Singh son of Ajit Singh; Puran Singh, Lumbardar and their associates. It has been submitted that complainant is resident of United States of America and she is serving in Department of Defence there.*

*She along with Tarlochan Singh and Narinder Chawla are joint owners in possession of land measuring 4 kanals comprising Khasra No. 176//2/1/2, 2/2/2, 8/2/2, 9, 12/1 Khata No.23/85/2750 as per Jamabandi for the year 2002-03 situated at Village Moga Mehla Singh (as per registered sale deed bearing Wasika No.9223 dated 9.01.2009. Complainant and her father are owners of 3 kanals of land. Thereafter mutation was also sanctioned in their favour. They occasionally visited India. Amrik Singh Hira used to look after their property. Few days ago, their neighbor asked Amrik Singh Hira for sale of above said property and also told that he has seen some persons while visiting their property. Then*

*Amrik Singh Hira came to know that some persons are trying to grab the property of complainant. He disclosed this fact to the complainant. On the instructions of complainant, Amrik Singh Hira checked the revenue record and got astonished to know that complainant has been shown to have sold property to Gurwinder Singh son of Kirpal Singh on the basis of sale deed bearing Wasika No.2956 dated 28.10.2015 vide mutation No.27997. Amrik Singh Hira collected certified copy of above said sale deed and came to know that it has been got registered in the year 2015 whereas complainant never visited in the year 2015. The complainant never signed the sale deed and even the photograph appended on the endorsement of sale deed is not of complainant. Rather all these persons are culprits. In the said sale deed, by conniving and conspiring Harpal Singh son of Ajit Singh and Puran Singh, Lambardar stood as marginal witnesses and signed the sale deed. It has been shown to have scribed by Inderjit Singh. All these persons hatched a criminal conspiracy in order to grab her valuable property knowingly that complainant is permanent resident of America and cannot visit their property frequently. Thus, on the basis of above said forged and fabricated sale deed dated 28.10.2015, the accused persons managed to get mutation No.27997 sanctioned in favour of Gurwinder Singh in the revenue record.”*

Learned counsel for the petitioner has argued that as per allegations, property owned by complainants Sharanpreet Kaur @Sharan Kaur Khaira, Tarlochan Singh and Narinder Chawla, was sold by way of impersonation through sale deed dated 28.10.2015 in favour of co-accused Gurwinder Singh and the said accused had later on appointed Surmukh Singh as his General Power of Attorney (GPA) and the property was further sold to one Gautam Arora on 22.07.2021 by the General power of attorney. Learned counsel has further argued that the petitioner is neither the beneficiary of these transactions nor any role has been played by him in execution of these sale deeds, but being a witness to the General Power of Attorney (GPA), he has been falsely implicated. He has produced the order dated 23.05.2022 passed by this Court in CRM-M-22316-2022 to contend that his similarly situated co-accused Jagsir Singh has been extended the concession of pre arrest bail. He prays for regular bail.

The prayer is opposed by learned State counsel assisted by ASI Harminder Singh on the ground that the petitioner had identified co-acused Gurwinder Singh as executant of the General Power of Attorney but the said co-accused is yet to be arrested. He has further pointed out that on two different instruments executed by Gurwinder Singh, his different photographs are affixed therefore, the custodial interrogation of the petitioner may be necessary.

At this stage, learned counsel for the petitioner has argued that the complaint was jointly given by complainants, namely, Sharanpreet Kaur @Sharan Kaur Khaira, Tarlochan Singh and Narinder Chawla and Surmukh Singh is the father of complainant Tarlochan Singh, therefore, for this purpose, his further custody may not be necessary as presently, the petitioner is confined in judicial custody.

Considering the above background and custody of the petitioner, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, as the trial is yet to commence, therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

31.05.2022  
Jasmine Kaur

(MANOJ BAJAJ)  
JUDGE