

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-24060-2022 (O & M)****Date of decision: 24.08.2022**

Bashir Masih

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kamal Narula, Advocate, for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.131 dated 29.12.2021 under Sections 420, 465, 467, 468, 471 and 120-B IPC with Police Station Makhu, District Ferozepur.

2. The present FIR came to be registered at the instance of Vikas Bansal who stated that his grandfather's brother Parshotam Lal son of Chhaju Mal had been living at Aggarwal Street, Zira, District Ferozepur and had died on 17.06.1998. Since Parshotam Lal did not have any child, his land in village Nizamdin Wala, Tehsil Zira, District Ferozepur was continuing in his name only. In the year, 2015, when the Government had acquired the said land of Parshotam Lal for the National Highway, then the co-accused Gurmeet Singh (since granted bail) on 12.12.2015, in connivance with the Office of the Revenue Department and few others got affixed false and forged signatures by getting some unknown persons to impersonate the

said Parshotam Lal and got transferred Parshotam Lal's land in his name. In this way, he obtained the compensation in respect of the same from the Government. During the course of investigation, it was revealed that it was the petitioner-Bashir Masih, who impersonated Parshotam Lal.

3. The learned counsel for the petitioner *inter alia* contends that the allegations against the petitioner are baseless. There is no evidence to suggest that it was the petitioner, who had impersonated as Parshotam Lal. The petitioner is in custody since 15.01.2022 and the main accused, namely, Gurmeet Singh has been granted the concession of regular bail by this Court in CRM-M-29587-2022 vide order dated 18.07.2022. Even otherwise, there was a delay of six years in the registration of the FIR, which is fatal to the case of the prosecution. None of the 15 prosecution witnesses has been examined so far. Besides, the offence is triable by the Magistrate, and thus, the further incarceration of the petitioner is not required, and therefore, he be granted the concession of bail.

4. The learned counsel for the State, on the other hand, does not dispute the factual assertions made hereinabove. He, however, submits that the allegations against the petitioner are extremely serious and he has not only cheated the complainant but also the Government, and therefore, does not deserve the concession of regular bail.

5. I have heard the learned counsel for both the parties at length.

6. The allegations against the petitioner are that he impersonated as the owner of the land of Parshotam Lal and sold the same to Gurmeet Singh. The said Gurmeet Singh has been granted the concession of regular bail by this Court vide order dated 18.07.2022 passed in CRM-M-29587-2022. The petitioner is in custody since 15.01.2022 and the challan already stands presented. None of the 15 prosecution witnesses have been examined

so far, and therefore, the trial is not likely to be concluded in the near future.

As such, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Bashir Masih, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

August 24, 2022
sukhpreet

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