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

**CRM-M-28014-2021 (O&M)
Date of Decision: 28.03.2022**

Narinder Singh Walia

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurvinder Singh Sidhu, Advocate,
for the applicant/petitioner.

Mr. P.S. Walia, DAG, Punjab.

Mr. Ajiteshwar Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-8300-2022

Application has been filed for placing on record certain documents as Annexures P-2 to P-6.

The same are taken on record, subject to all just exceptions.

Application stands allowed.

CRM-M-28014-2021

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in FIR No.113, dated 04.11.2019 under Sections 419, 420, 465, 467, 468, 471, 120-B of the IPC, registered at Police Station City Nakodar, District Jalandhar.

Status Report by way of affidavit of Deputy Superintendent of Police, Sub Division Nakodar, Jalandhar has been filed on behalf of the

respondent-State in Court today and the same is taken on record.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 30.12.2019 and the matter is now fixed on 08.04.2022 for consideration of framing of charges. He further submitted that since the trial is being delayed, he may be considered for the grant of regular bail. He also submitted that the other co-accused, namely, Sarabjit Kaur @ Sabbo, Harjit Singh and Palwinder Singh have already been granted bail by this Court vide orders dated 25.02.2021, 08.11.2021 and 21.02.2022 respectively (Annexures P-3, P-4 and P-5).

On the other hand, Mr. P.S. Walia, learned Deputy Advocate General, Punjab has submitted that it is a case where the Police had presented the Challan on 27.02.2020, and thereafter, there was a complete lock down in the country due to Covid-19 Pandemic in the end of March, 2020, and thereafter, there was a restrictive hearing before the learned trial Court in the State of Punjab and this was a reason as to why there has been delay in the progress of the trial. He further submitted that now the case is fixed on 08.04.2022 for the consideration of framing of charges. He also submitted that the petitioner was in fact the main accused in the present case and as per the allegations he had got forged Power of Attorney and Aadhar Card in the name of one Davinder Singh and got an account opened in Axis Bank and sold the property of the owner Usha Rani and in this way an amount of Rs.1,68,50,000/- (Rupees one crore, sixty eight lacs and fifty thousand) has been transferred in the name of aforesaid Davinder Singh. He further submitted that a huge loss was caused to the two owners by way of the aforesaid illegal action of the petitioner. He further submitted that so far

as the bail granted to the other co-accused is concerned, they are not at parity with the present petitioner because one of the co-accused, namely, Sarabjit Kaur, who allegedly impersonated the aforesaid Usha Rani and the other co-accused were the conspirators in the present illegal action on the part of the petitioner and rather it was the petitioner, who was the beneficiary by getting the amount in the name of one Davinder Singh which was also fraudulently opened by him. He also submitted that the petitioner does not deserve the concession of regular bail in view of the magnitude and gravity of the present case wherein a huge amount of Rs.1,68,50,000/- (Rupees one crore, sixty eight lacs and fifty thousand) has been transferred.

Learned State counsel has also filed a custody certificate of the petitioner in the Court today and the same is taken on record. As per the custody certificate of the petitioner, there are four other FIRs against the petitioner and out of these four cases, the petitioner has been convicted in three cases out of which two pertain to Sections 420 & 419 of the IPC.

Mr. Ajiteshwar Singh, learned counsel for the complainant has also appeared and supported the prosecution in this regard.

I have heard the learned counsel for the parties.

Although, the petitioner is in custody from 30.12.2019 but Challan in the present case was presented on 27.02.2020, and thereafter, there was a complete lock down in the Country and the Courts were holding restrictive hearing and now the case is fixed for consideration of framing of charges on 08.04.2022. The allegations in the present case are indeed serious and gravity and magnitude of the present case and also the antecedents of the petitioner, where an amount of rupees one crore, sixty

eight lacs and fifty thousand has been transferred by way of allegations of impersonation and fabrication of Aadhar Cards and other documents would disentitle the petitioner for the grant of regular bail, consequently, finding no merit in the present case and the same is hereby dismissed.

In view of the fact that the petitioner has already undergone more than two years, the trial Court is directed to expedite the trial.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

28.03.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |