

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-28447-2022 (O & M)****Date of decision: 03.11.2022**

Davinder Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chamkaur Singh, (uncle of the petitioner-Davinder Singh)
in person.

ASI Prem Lal, Investigating Officer in person.

Mr. Virinder Pal Singh Sandhu, complainant in person.

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.0008 dated 26.01.2020 under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station Ladhuwal, District Police Commissionerate, Ludhiana.

2. The parties have appeared in person as the members of the Bar are abstaining from work.

3. The brief facts of the case are that the FIR was registered on the complaint of Virinder Pal Singh Sandhu son of Darshan Singh Sandhu, who stated that he was an Advocate practising at Delhi and his father-Darshan Singh was an old man of the age of 70 years and living with him. His father was owner in possession of a house consisting of 04 shops having Khewat No.93/88, Khatoni No.102, Khasra No.274 in their ancestral village Noorpur

Bet since 1979 and before that, his grand-father Lal Singh was the owner thereof. He recently came to know that some unknown notorious persons on the basis of a forged and fabricated power of attorney were trying to sell his father's property. On 18.10.2019, when he visited Noorpur Bet, he came to know that the land in the village on the name of his grand-father had been sold on the basis of a forged power of attorney allegedly executed by his grand-father Lal Singh in 2015 while his grand-father had actually passed away in 1998. He also got to know that on 22.10.2019, some one by impersonating his father-Darshan Singh had executed a sale deed of his house having Khasra No.274 and the forged sale deed was got registered through document No.8921 dated 23.09.2021 on the basis of a forged Adhaar Card and other documents. One Amrit Kaur stood as a buyer of the house.

3. The uncle of the petitioner, namely, Chamkaur Singh, is present in person and is identified by the Investigating Officer ASI Prem Lal, submits that the petitioner-Davinder Singh fully co-operated in the enquiry prior to the registration of the FIR and even thereafter. In fact, he was an illiterate person who was called for the purpose of appearing as a witness to the sale deed but by taking benefit of the innocence of the petitioner, he was shown to be the seller. He is in custody since 29.04.2022 and now a compromise had been arrived at between the parties, and therefore, the petitioner deserves the concession of bail.

4. The complainant-Virinder Pal Singh, who is present in person and is duly identified by Investigating Officer ASI Prem Lal, has stated that he has no objection if bail is granted to the petitioner as a compromise has been arrived at between the parties.

5. I have heard both the parties i.e. uncle of the petitioner as well as the complainant, who have appeared in person and have been duly identified by the investigating officer ASI Prem Lal. Their ID proofs are taken on record as Mark ‘A’, ‘B’ and ‘C’ respectively. The compromise has been taken on record as Mark ‘D’.

6. In view of the fact that the petitioner is in custody since 29.04.2022, the case is Triable by the Court of Magistrate and a compromise has been arrived at between the parties on 03.10.2022, therefore, 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, Davinder Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

November 03, 2022
sukhpreet

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