

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-29587-2022 (O & M)****Date of decision: 18.07.2022**

Gurmeet Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bipan Ghai, Sr. Advocate, with
Mr. Paras Talwar, Advocate, for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This is the second petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.131 dated 29.12.2021 under Sections 419, 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 accused Gurmeet Singh (the present petitioner) on 12.12.2015, in connivance with the Office of the Revenue Department and few others got affixed false and forged

Parshotam Lal and got transferred Parshotam Lal's land in his name (petitioner's name). In this way, he obtained the compensation in respect of the same from the Government.

3. The learned counsel for the petitioner *inter alia* contends that the allegations against the petitioner are baseless. In fact, the petitioner has transferred equal amount of land in exchange in the name of Parshotam Lal and thereby did not have *mala fide* intention to grab his land. The allegations of the petitioner having received a compensation of Rs. 9,73,273-83/- is incorrect. He contended that there was a delay of six years in the registration of the FIR, which itself shows *mala fide* intention. He lastly contended that the petitioner is in custody since 30.12.2021. The investigation stands completed and none of the 15 prosecution witnesses has been examined so far. Even otherwise the offence is triable by the Court of Judicial Magistrate Ist Class, 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. Admittedly, this is the second bail petition of the petitioner. The first one was dismissed as withdrawn with liberty to approach the Trial Court to move an appropriate application under Section 437(6) Cr.P.C. for the grant of regular bail which stands dismissed, leading to the filing of the present petition. The petitioner is a first-time offender with no other case registered against him. He is in custody for the last six and a half months and

none of the 15 prosecution witnesses have been examined so far. Therefore, certainly, the trial of the present case is likely to take some time to conclude. Even otherwise, the offences are triable by the Court of the Judicial Magistrate Ist Class and it would be a matter of adjudication during trial as to whether the petitioner can be convicted for the offences for which he has been charge-sheeted.

7. Keeping in view the aforesaid facts, the further incarceration of the petitioner is not required. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurmeet Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

July 18, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No