

**232 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-29461-2022
Date of Decision:-25.08.2022**

GULSHAN KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nikhil Vats, Advocate for the petitioner.

Ms. Harpreet Kaur, DAG, Haryana.

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.396 dated 23.09.2021 registered under Sections 420, 467, 468, 471 of IPC and 120-B (added later on) at Police Station Kalanaur, District Rohtak.

The counsel for the petitioner submits that the petitioner has been falsely impleaded in this case at the instance of Tehsildar. The counsel for the petitioner further submits that one sale deed dated 16.06.2021 was stated to be executed by some person while impersonating himself as Atma Ram in favour of Sunil Kumar and Ramesh. The learned counsel for the petitioner further submits that the said sale deed is alleged to be result of fraud and there are allegations that the concerned Lambardar identified the parties on the asking of the petitioner. The counsel for the petitioner further submits that the petitioner was neither witness nor signatory nor beneficiary of the said sale deed and is in custody since 18.02.2022. The counsel for the petitioner further submits that the challan has been presented by the Police after completion of investigation and thus no purpose

is going to be served by keeping the petitioner behind the bars for any further period.

The present petition is opposed by the State counsel who submits that allegations are appearing on the record that the sale deed in question dated 16.06.2021 was executed in favour of Sunil Kumar, in connivance with petitioner. The State counsel further submits that the petitioner was arrested on 18.02.2022 and trial is yet to begin and as such she made prayer that the present petition be dismissed.

I have considered the submissions made by counsel for the parties.

The State counsel has not refuted the fact that the only allegation against the petitioner are that he asked Lambardar to identify the parties to the aforesaid sale deed before the Sub-Registrar. The State Counsel has also not disputed the fact that the petitioner was neither witness nor signatory to the said sale deed. There is nothing on the record to show that the petitioner was beneficiary of the said sale deed in any manner.

Admittedly, the petitioner is in custody since 18.02.2022 and after completion of investigation challan has been presented by the Police. All the offences are triable by the Court of Judicial Magistrate 1st Class and it will take time for the trial to conclude after the framing of charges. So no fruitful purpose is going to be served by keeping the petitioner in custody for any longer period.

Thus without commenting on the merits of the case the present petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

25th August, 2022
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(KARAMJIT SINGH)
JUDGE