

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30338-2022 (O&M)
Date of Decision:-22.9.2022

Ishwar @ Tandi

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Siddharth Sihag, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Jagdish.

GURVINDER SINGH GILL, J.(Oral)

CRM-35800-2022

In view of the reasons mentioned in the application, the same is allowed and the statement of PW-1 Renu annexed with the application is taken on record as Annexure P-7 subject to all just exceptions.

CRM-M-30338-2022 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.147, dated 1.6.2021, Police Station Siwani, District Bhiwani, under Sections 419, 420, 467, 468, 471 and 120-B of Indian Penal Code.
2. The FIR in question was lodged at the instance of Renu, wherein it is alleged that some land had been allotted in the name of her father Banarasi Das and his two brothers Munshi Ram and Om Parkash upon partition of India and

Pakistan. The said land was situated in village Siwani, District Bhiwani. It is alleged that complainant's father Banarasi Das expired on 23.08.1993 and his brother Munshi Ram expired on 24.03.1995. It is alleged that the said land has now, however, been sold by Ramesh Chander on 03.09.2015 by professing himself to be an attorney by virtue of Attorney No.04579 dated 30.07.2015 of Banarasi Das, Om Parkash and Munshi Ram in respect of land measuring 39 kanals and 18 marlas, whereas the said persons had already expired. It is alleged that the said land had been sold to Ishwar Singh (petitioner), Budh Ram and Satbir.

3. Learned counsel for the petitioner submitted that the petitioner Ishwar @ Tandi had purchased the land, which had been sold to him by Ramesh Chander while acting as an attorney of the original owners Banarsi Das, Om Parkash and Munshi Ram and that he had no clue whatsoever that the original owners had already expired.
4. Learned counsel has further submitted that, in any case, when he explained all the facts to the complainant Renu, she had compromised the matter and when the complainant stepped into the witness box as PW-1, she categorically stated during cross-examination that she had compromised the matter with Ishwar. Learned counsel has submitted that, in any case, the petitioner has been behind bars since the last about 6 months and that since as many as 13 PWs have been cited and only 1 has examined till date, he deserves the concession of bail as conclusion of trial is likely to take long time.
5. Opposing the petition, learned State counsel submitted that the petitioner was hands in gloves with the main accused Ramesh Chander and that since

the petitioner had also previously been declared a proclaimed offender vide order dated 5.1.2022, there is every likelihood that he would flee from justice. It has, however, been informed that the petitioner as on date has been behind bars since the last 5 months and 26 days and that only 1 out of the cited 13 PWs has been examined. It has been informed that another FIR i.e. FIR No.10, dated 6.1.2022, Police Station Siwani, District Bhiwani, under Section 174-A IPC stands registered against the petitioner.

6. This Court has considered the rival submissions.
7. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars since the last about 6 months and that conclusion of trial is likely to consume time as only 1 out of the cited 13 PWs has been examined so far, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No