

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

CRM-M-30640-2022 (O&M)

Date of Decision:-19.12.2022

Manoj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate and
Mr. Sidharth Sehgal, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Surinder Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.89, dated 11.8.2021, Police Station Sadar Phagwara, District Kapurthala, under Sections 419, 420, 467, 468, 471, 120-B of Indian Penal Code.
2. The FIR in question was lodged at the instance of Charanjit Singh (uncle of Pritpal Singh Sohal), wherein it is alleged that Pritpal Singh Sohal is residing in England and is owner of land measuring 41 kanals 13 marlas situated in Village Saproar, Tehsil Phagwara District Kapurthala, which he had purchased in the year 2014. It is alleged that the complainant had come to know that the land belonging to his uncle Pritpal Singh Sohal had been sold by way of impersonation by producing some person as Pritpal Singh Sohal

whereas infact Pritpal Singh Sohal had neither executed any such sale deed or nor had executed any power of attorney for executing sale deed and nor had entered into any agreement for sale of his land. It is alleged that Dr. Pankaj Kumar Verma, Palwinder Singh and Jagbir Singh Sandhu had got a sale deed dated 20.5.2021 executed in their favour on the basis of said impersonation.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that he is not named in the FIR and has been nominated subsequently. It has further been submitted that since other co-accused namely Sukhwinder Singh @ Pritpal Singh, Harish Kumar Gupta, Gurdhian Singh, John Sahib and Vishal have already been granted bail by this Court vide common order dated 11.7.2022 (Annexure P-4), the petitioner also deserves the same concession on grounds of parity.
4. Opposing the petition, learned State counsel has submitted that it was a well orchestrated conspiracy which was given effect to by the accused, who were successful in getting two sale-deeds registered in respect of land of Pritpal Singh Sohal by way of impersonation. The learned State counsel has referred to the role of petitioner as described in para No.3 of its reply, which reads as under:

“That it is further submitted that the Present Petitioner is actively involved in the present case. That on 20.05.2021, the petitioner alongwith accused Jagbir Singh Sandhu, Fake Pritpal Singh and one unknown person went to bank where accused Jagbir Singh Sandhu opened a bank account No.920070416329 in the name of fake Pritpal Singh and deposited Rs.25,000/-. That thereafter on 24.05.2021, the petitioner again went to the bank alongwith accused Jagbir Singh Sandhu, fake Pritpal Singh and one

unknown person and deposited the three cheques of Rs.26,90,000/-, which were given by Dr. Pankaj Kumar, regarding the purchase of above said land. Thereafter, out of the aforesaid amount, Fake Pritpal Singh had given a sum of Rs.5 lacs in cash to the present petitioner. Thereafter on 02.06.2021, a sum of Rs.4,20,000/- has also been transferred through net-banking in the SBI Bank account of the present petitioner, which were later withdrawn by the petitioner i.e. Rs.50,000/- through ATM withdrawal on 02.06.2021, Rs.50,000/- on 03.06.2021 and Rs.4,000/- on 07.06.2021 by the petitioner.”

5. Learned State counsel has, however, been informed that the petitioner has been behind bars since the last about 1 year and 3 months and that he is not involved in any other case. It has further been submitted that till date charges have not been framed and as many as 23 PWs have been cited.
6. This Court has considered the rival submissions.
7. Having regard to the facts and circumstances of the case and while also noticing that the petitioner has been behind bars for a substantial period of about 1 year and 3 months and otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time as the trial has not even commenced till date and as many as 23 PWs have been cited. 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.

19.12.2022

pankaj

Whether speaking /reasoned
Whether Reportable

**(Gurvinder Singh Gill)
Judge**

Yes / No
Yes / No