

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

**CRM-M-34502-2022 (O&M)
Date of decision: 27.10.2022**

Amarjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sanjeet Singh Taank, Advocate for the petitioner.

Mr. Subhash Godara, Addl. A.G. Punjab.

Mr. Gurjot Singh Sadhrao, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 172 dated 09.07.2020, registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that there is a delay of 16 years in lodging the FIR; that petitioner is the real uncle of complainant-Dimple Kaur; that as per the allegation, Sawinder Kaur, mother of the complainant expired on 31.08.1994 and the petitioner in connivance with other accused persons

i.e. Satnam Singh (uncles of the complainant), Lal Bahadur @ Lal Bahadur Singh, Maninder Pal Singh (brothers of the complainant) had prepared a GPA dated 28.10.2004 and Saranjeet Kaur wife of petitioner had impersonated as Sawinder Kaur and thereafter, the petitioner executed a registered sale deed dated 28.12.2004 through the said GPA in favour of his son Ajay Pal Singh; that the petitioner is not a beneficiary and no undue gain has been received by him; that the challan has been presented but the prosecution witnesses are yet to be examined and that the petitioner has been in custody since 19.03.2022.

Learned State counsel and learned counsel for the complainant, while vehemently opposing the prayer for bail, submit that the mother of the complainant died on 31.08.1994, whereas the GPA was executed by the petitioner in connivance with other co-accused on 28.10.2004 and sale deed was executed on 28.12.2004. However, they do not dispute the custody period of the petitioner. Learned State counsel further submits that out of 16 prosecution witnesses, none has been examined so far.

I have heard the learned counsel for the parties and have also gone through the paper-book.

The petitioner has been in custody since 19.03.2022. The petitioner is the real uncle of the complainant and undisputedly there is a delay of 16 years in lodging the present FIR and no civil suit has been filed by the complainant. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.10.2022
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No