

CRM-M-41573-2021 (O&M)

Through video conference

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

CRM-M-41573-2021 (O&M).

Decided on: March 24, 2022.

Nachhattar Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Raj Kumar Gupta, Advocate,
for the petitioner.**

Mr.Randhir Singh Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.210 dated 12.9.2020, registered under Sections 406, 420, 467, 468, 471, 447, 511 and 120-B IPC, at Police Station Nabha, District Patiala.

Learned counsel for the petitioner has submitted that in the present case the allegations against the petitioner are that the petitioner had fabricated judgment and decree of a civil court and based upon that judgment and decree, he got the mutation sanctioned in his favour with

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regard to the common land which was partitioned amongst co-villagers and therefore, allegedly the petitioner had committed fraud on the basis of fabricated document by getting the mutation sanctioned in his favour. He submitted that it is a case where the allegations against the petitioner were totally false because there is no such judgment and decree available with the revenue officials and it has never seen the light of the day and the allegations against the petitioners are totally false and since there was no judgment and decree which is alleged to be fabricated by the petitioner and no case is made out against the petitioner and he is in custody since 28.4.2020 which is almost 1½ years and the matter is still at the investigation stage. He further submitted that no action has been taken against the revenue officials in this regard.

This Court had directed the SSP, Patiala to file affidavit explaining the factual position in this regard. In response thereof, the status report by way of affidavit has been filed by the SSP, Patiala.

Learned State counsel while referring to para 9 of the affidavit has submitted that as per the inquiry conducted, it was found that the copy of the judgment and decree based upon which the mutation was sanctioned in the name of petitioner was not found in the revenue record. Apart from the same as per report received from the Assistant Collector Grade II, Tehsil Nabha, the date of order made by Circular Revenue Officer and signatures of Halqua Patwari/Kanungo were found missing on the mutation entry recorded based on Vasika was found to be forged. He

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submitted that as per status report thereafter the mutation entry was cancelled on 28.8.2020. He submitted that the matter is still at the investigation stage and challan is yet to be presented although the petitioner is in custody for the last more than 1½ years.

I have heard the learned counsel for the parties.

On a specific query being put to the learned State counsel that a perusal of para 9 of the status report filed by the SSP, Patiala, is self contradictory with para 12 of the status report, he has stated that said contradiction is apparent on the face of it. In para 9 of the affidavit, it has been stated by the SSP, Patiala, that no document pertaining to fabricated judgment and decree has been found and even there were no signatures of Halqua patwari/Kanungo in the mutation entry and in para 12 of the affidavit, it has been stated that in view of the facts and circumstances, it is evident that present petitioner in connivance with the co-accused has fabricated the judgment and decree and got the mutation sanctioned. Therefore, affidavit filed by the SSP, Patiala, is self contradictory on the face of it. Be that as it may, the petitioner is facing incarceration for the last more than 1½ years and the matter is still at the investigation stage and challan has not been presented in the present case.

Therefore, this Court deems it fit and proper to grant regular bail to the petitioner. Accordingly, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate

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concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

March 24, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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