

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

221

CRM-M-52984-2021 (O&M)

Date of Decision: 24.05.2022

SHAKTI RAJ GINDHA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Shivya Sehgal, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

CRM-7796-2022

Application is allowed, as prayed for.

Annexure P-5 is taken on record, subject to all just exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-52984-2021

Through this petition, the petitioner seeks regular bail in case bearing FIR No.8 dated 28.10.2020, registered under Sections 420, and 120-B IPC, at Police Station NRI, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner submits that the petitioner is the son of the complainant; that the allegation against the petitioner is that he had sold the property of the complainant and that a General Power of Attorney dated 11.08.2009 was executed by the complainant in favour

of the petitioner and the same was attested by the Embassy of India at Glasgow (Scotland), UK and endorsed by the Commissioner Division, Jalandhar. She further submits that the complainant again on 26.10.2020 tendered an affidavit stating therein that she has not cancelled the General Power of Attorney dated 11.08.2009 and that the petitioner has been in custody since 08.10.2021. Still further, it is submitted that earlier also the petitioner had sold one property on the basis of the aforesaid General Power of Attorney.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has committed fraud with the complainant, inasmuch as, he had sold her property on the basis of the fake and fabricated documents. He further submits that GPA dated 11.08.2009 was cancelled by the complainant on 08.11.2016, while she was in India and copy whereof was sent to the petitioner-her son in UK. He further submits that there are total 14 prosecution witnesses, out of which two have already been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.10.2021. In the affidavit dated 26.10.2020 tendered by the complainant, she has specifically stated that she has not cancelled the General Power of Attorney dated 11.08.2009, which was attested by Embassy of India at Glasgow, UK. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the

petitioner behind the bars.

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

24.05.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No