

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54050-2021 (O&M)
Date of decision: 10.01.2022

Rishipal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0746 dated 25.09.2020 under Sections 120-B, 419, 420, 467, 468, 469, 471 IPC, registered at Police Station Panipat City, District Panipat.

Learned counsel for the petitioner relies upon the order dated 25.10.2021 passed in CRM-M-15173-2021, vide which co-accused Raghubir Singh was granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Govind, accused Rakesh Kumar offered him to sell a piece of land and

later on, in conspiracy with co-accused, played a fraud with him and took an amount of Rs.25.00 lacs as earnest money for the sale of 48 kanals 10 marlas of land, details of which are given in the FIR. It is further stated that an amount of Rs.7.00 lacs was paid in the account of Rishi Pal through HDFC Bank, Rs.7.00 lacs in the account of Maha Singh again through HDFC Bank, Rs.14.00 lacs through RTGS and Rs.11.00 lacs in cash. It is further submitted that later on, he came to know that Rakesh and Rishi Pal have forged the signatures of original owners and told that Maha Singh is his uncle and Dhan Kaur is his aunty and after some time, they started saying that they have no relation with aforesaid persons.

Learned counsel for the petitioner further submits that the petitioner was not named in the FIR and there is no allegation that any amount was paid to him, however, it is case of the prosecution that he impersonated himself as Maha Singh, though owner of the property is also an accused. It is also submitted that custody of the petitioner is 11 months and 11 days; he is on bail in one more FIR registered against him and offences are triable by the Court of Magistrate.

Learned State counsel has filed the custody certificate dated 21.10.2021 in the Court today and has not disputed the factual position, however, it is submitted that all the accused, in conspiracy with each other, have played a fraud with the complainant and took an amount of Rs.25.00 lacs as earnest

money. It is further submitted that Rs.7.00 lacs each were paid to Rishi Pal and Maha Singh and role of the petitioner is that he acted an impersonator...”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that role of the petitioner, as per FIR, is that Rs.7.00 lacs were credited to his bank account; he is in custody for the last 01 year and 24 days and is not involved in any other case; investigation is complete and offences are triable by the Court of Magistrate.

Learned State counsel, on the basis of custody certificate dated 07.01.2022, filed in the Court today, has not disputed the factual position, however, it is submitted that the charges are yet to be framed.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody; he is not involved in any other case and the offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

10.01.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No