

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211-CRM-M-3174-2021 (O&M)

Date of Decision: 13.02.2023

Mohinder Kaur

... Petitioner

VS.

State of Punjab

... Respondent

CRM-M-6582-2021 (O&M)

Harpreet Singh @ Malli @ Rubal

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. JK Singla, Advocate for the petitioner(s)

Mr. Rajiv Verma, DAG Punjab

Mr. Ishan Thakur, Advocate for

Mr. LS Sidhu, Advocate for the complainant

Sandeep Moudgil, J. (Oral)

This order shall dispose of the above-cited petitions wherein the petitioners have sought regular bail in case FIR No.207 dated 25.12.2020 under Sections 420 IPC, registered at Police Station City Budhlada, District Mansa. For the purpose of order, CRM-M-3174-2021 is treated as the lead case.

Learned counsel for the petitioner contends that the complainant in the FIR is none other than the real brother of the petitioner and the dispute is with regard to transfer of ownership of agricultural land vide registered deeds dated 09.01.2018 and 13.08.2018 (Annexures P2 & P3, respectively).

This Court while considering the matter on the previous occasion directed the parties to appear before the Mediation and Conciliation Centre of this Court wherein the proceedings could not succeed and the case has been referred back to this Court.

On 05.01.2023, this Court issued a direction to the petitioner to surrender before the Jail Superintendent, Mansa, positively before 5.00 pm, on 06.01.2023. The said direction has been duly complied with by counsel for the petitioner which has not been controverted by learned State counsel.

Coming back to the main case wherein the dispute relates to 21 kanal 9 marlas of land out of total agricultural land measuring 103 kanals 6 marlas situated at Rampur Mander, Tehsil Budhlada, District Mansa wherein the parties are entangled in a civil case as well, the allegations are qua preparation of deed of transfer of ownership, fraudulently, by cheating upon the complainant. The same deed of ownership is in question before the Civil Courts to be adjudicated by leading evidence with regard to its veracity and genuineness.

Custody certificates dated 11.02.2023 filed by learned State counsel (in both the cases) are taken on record. According to which, the petitioner-Harpreet Singh @ Malli @ Rubal is in custody since 3 months 29 days and petitioner Mahinder Kaur @ Mohinder is in custody since 2 months 29 days. Learned State counsel submits that the challan in the present FIR stands presented and charges have been framed on 23.11.2021.

Considering the fact that the civil case between the parties is already pending who are related to each other and also that their custodial interrogation is not required, as averred by learned State counsel, added with the fact that the trial is likely to take some time, no fruitful purpose will be served by keeping the petitioner behind bars.

Therefore, petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

However, it is made clear that nothing observed hereinabove shall have any bearings on the merits of the trial.

13.02.2023
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No