

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 5294-2022 (O&M)

Date of Decision: 18.01.2023

Lakhwinder Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 22 dated 24.07.2021 under Sections 420, 467, 468, 471, 474, 255, 120-B IPC registered at Police Station PS NRI, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner contends that the petitioner is in custody since 18.09.2021.

The brief facts of the case are that the above-said FIR was lodged at the instance of Gitish Singh Bhalla, wherein it is alleged that his family has been in possession of land in question since the year 1986 and that their possession has matured into ownership though in revenue record land is shown to be owned by Dayal Singh s/o Faqir Singh. It is alleged that the accused on the basis of forged documents got a mutation sanctioned as regards estate of Dayal Singh s/o Faqir Singh in favour of Amar Kaur w/o

Dayal Singh and thereafter on the basis of forged WILL in favour of Lakhwinder Singh, a mutation was sanctioned in Lakhwinder Singh's favour. It is further alleged that immediately after the said mutation in favour of Lakhwinder Singh, he sold the land in question by way of two sale deeds dated 24.10.2020 and another sale deed of October, 2020. The role attributed to the petitioner herein is that he in connivance with other co-accused forged and fabricated death certificate of Dayal Singh and then got the said property mutated in his favour on the basis of alleged WILL of Amar Kaur, w/o Dayal Singh.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that matter stands compromised between the parties and a compromise deed has also been placed on the record. He further submits that the co-accused Shera, Amrik Singh and Kulwant Singh have been granted concession of regular bail by the Co-ordinate Bench of this Court. He further submits that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature and there is one more case pending against the petitioner but does not dispute the fact that the co-accused have been allowed regular bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 18.09.2021.

It is not a case made out by the respondent-State that in case

concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the matter stands compromised between the parties and the co-accused have also been granted bail and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

18.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No