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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13608-2023
Date of Decision: 15.05.2023

Ramphal Petitioner

Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rishab Garg, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

HARSH BUNGER J. (ORAL)

Prayer in the present petition, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioner in case FIR No.444 dated 13.08.2022, under Sections 120-B, 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station Sector 10, Gurugram, District Gurugram (Annexure P-1).

2. Status report by way of an affidavit of Rajender Singh, H.P.S., Assistant Commissioner of Police, City, Gurugram on behalf of respondent/State has been filed, which is already on record.

3. Custody certificate dated 14.05.2023 of the petitioner has been filed by learned State counsel in Court today, which is taken on record,

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subject to all just exceptions.

4. Succinctly, the above said case FIR has been registered on the statement of one Gagan Sehrawat son of Dalip Singh, who had stated that he has one brother namely, Khushbas Sehrawat and two sisters namely, Saroj and Shabnam and their mother was Sarup Rani. On 05.11.1980, the parents of the complainant purchased land measuring 26 kanals 17 marlas from one Kishan Singh son of Munshi Singh and land measuring 26 kanals 17 marlas from Premwati widow of Munish Singh resident of Village Wazirpur, District Gurgram, vide Vasika No.23494 and 24373. It is stated that the said land was in the name of their mother Sarup Rani and after her death, the mutation of inheritance was sanctioned in the name of both the brothers and sisters in equal shares. It is stated that Rampal son of Surajbhan resident of Village Jharsa was cultivating the land in question for the last 20-25 years on batai. It is further stated in the complaint that the married sisters of the complainant namely, Saroj and Shabnam sold their shares out of the said land some time ago and only the share of the complainant and his brother Khushbans Sehrawat, remained. It is stated that after the death of brother of the complainant, his share of land was inherited by his wife and daughter namely, Rani Sehrawat and Varta Sehrawat, respectively. It is also stated that Rani Sehrawat (sister-in-law of the complainant) and her daughter Varta Sehrawat, had executed a 'General Power of Attorney' in the name of one Arun Kumar Yadav qua the land in question. It is alleged that on 10.08.2022, the complainant came to know that one Pooja had forged Aadhar card in the name of Rani Sehrawat and by impersonating herself in criminal conspiracy with Ramphal, had executed an agreement to sell qua the land in question in

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the name of one Umesh son of Pitamber Saini resident of Jal Vihar, Gurugram. It is stated in the complaint that when the complainant contacted above said Umesh, then he handed over a copy of agreement and forged Aadhar card to him and the said incident was narrated by the complainant to his sister-in-law Rani Sehrawat and since, she was not keeping well, accordingly, the complainant was asked to submit a complaint to the police. Accordingly, the FIR in question was registered.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that a perusal of the FIR and the alleged forged Aadhaar Card of Rani Sehrawat clearly depicts that the allegations in the FIR have been levelled against the co-accused (Pooja), who has already been granted the concession of regular bail vide order dated 20.02.2023, passed by this Court (Annexure P-6). Learned counsel further submits that as per the allegations in the FIR, the alleged forged Aadhaar Card and the agreement bears the photograph and signature of the co-accused (Pooja), hence, no overt act has been attributed to the present petitioner. It is further stated that the petitioner has been in custody since 13.08.2022; investigation of this case is complete; challan stands presented on 11.11.2022 and even charges have been framed on 16.12.2022. Learned counsel next submits that there are total 14 witnesses but only 1 witness has been examined so far and the trial would take some time and there is no other case against the petitioner. It is stated that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court; accordingly prayer for grant of regular bail is made.

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6. Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offence. However, it is not disputed that the petitioner has been in custody for 09 months and 01 day (as on 14.05.2023); challan has already been presented and even charges have also been framed. It is also not disputed that there is no other case against the petitioner and co-accused (Pooja) has already been granted the concession of regular bail.

7. I have heard learned counsel for the parties and perused the paper book, status report as well as custody certificate filed by learned State counsel, in Court today.

8. In the instant case, the petitioner has been in custody for more than 09 months (as on 14.05.2023); challan has already been presented and even charges have been framed. Out of 14 witnesses only 1 witness has been examined. As per custody certificate, there is no other case against the petitioner and co-accused (Pooja) has already been granted the concession of regular bail. The trial is likely to take long time and no useful purpose would be served by keeping the petitioner behind the bars for indefinite period.

9. Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the Trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any

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change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity, during the pendency of the trial.

10. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

11. The petition is accordingly disposed of.

15.05.2023
Himani

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |