

CRM-M-20163-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20163-2023

Date of decision: 26.07.2023

Devendra Pratap Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashesh Lal, Advocate and
Mr. Gaurav Rana, Advocate,
for the petitioner.

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

HARNARESH SINGH GILL, J. (ORAL)

1. Through this third petition, the petitioner seeks regular bail in case bearing FIR No.355 dated 01.07.2010, registered at Police Station City Gurugram, under Sections 419, 420, 467, 468, 471 and 120-B IPC.

2. Status report dated 25.07.2023 by way of affidavit of the Assistant Commissioner of Police, Old Gurugram, filed in the Court today, is taken on record. Copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, and that as per the prosecution version, the petitioner was an attesting witness to the sale deed dated 08.04.2010, which had been allegedly obtained by impersonation. It is further submitted that co-accused, namely, Shivender Pratap Singh in whose favour the sale deed was executed, has since been granted the

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concession of regular bail by a Coordinate Bench, vide order dated 13.07.2023 passed in CRM-M-32313-2023. Apart it, co-accused, namely, Sharvan Kumar Singh and Veena Singh have since been granted the concession of regular bail by this Court, vide orders dated 08.03.2022 and 14.02.2023, respectively.

4. Learned counsel for the petitioner further submits that at one stage, the petitioner was declared a proclaimed offender, but he surrendered before the concerned Court on 06.08.2020 and since then, he has been in custody. It is further submitted that out of 38 prosecution witnesses, only 06 witnesses have been examined till date. So far as other cases registered or pending against the petitioner, are concerned, he has been released on bail in three cases whereas the matter has been settled in one case got registered by the bank.

5. On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that by impersonating the son of the complainant, who is residing in England, the petitioner in connivance with the co-accused had got executed the registered sale deed in favour of Shivender Pratap Singh. It is further submitted that the petitioner was declared a proclaimed offender and had evaded the process of law for more than seven years. It is further submitted that material witnesses are yet to be examined.

6. I have heard the learned counsel for the parties.

7. Though there are allegations against the petitioner that he was an attesting witness to the sale deed dated 08.04.2010, which had been allegedly obtained by impersonation, yet the fact remains that the petitioner

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has been in custody since 06.08.2020 and that co-accused, namely, Shivender Pratap Singh in whose favour the sale deed had been executed, has since been bailed out. As stated above, co-accused, namely, Sharvan Kumar Singh and Veena Singh have also been granted the benefit of regular bail.

8. As many as 32 prosecution witnesses are yet to be examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

9. In view of the above, without commenting anything on the merits, 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 and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

26.07.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No