

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
229

CRM-M-22943-2023

Date of Decision: 11.05.2023

Harjeet Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Kuldip Singh, Advocate for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

Mr. Sameydeen, Advocate for
Mr. Hoshier Singh, Advocate for the complainant.

ASHOK KUMAR VERMA, J. (ORAL)

1. Vakalatnama filed on behalf of complainant is taken on record.
2. Custody certificate dated 10.05.2023, filed by learned counsel for the State is also taken on record.
3. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 37 dated 26.02.2023, registered under Sections 465, 467, 471 and 120-B IPC (Sections 420 and 468 IPC were added later on) at Police Station City, Jalalabad, District Fazilka.
4. Brief facts leading to the filing of present petition are that aforesaid FIR was got registered on the statement of complainant-

Shinder Kaur W/o Harjeet Singh (petitioner herein), alleging therein that she is having one son and one daughter, namely, Gurcharanjit Singh and Prabhjot Kaur, respectively. The petitioner got executed a transfer deed in respect of 08 kanals of land in the name of co-accused Kamlesh Kaur W/o Kulwinder Kaur. However, by putting wrong identification, pedigree table was prepared by mentioning Chhaya Rani as daughter whereas, she is the daughter of Kamlesh Kaur and Kulwinder Singh. However, the legal heirs of Harjeet Singh are Chhinder Kaur (complainant) herself, son Gurcharanjit Singh and daughter Prabhjot Kaur. She further alleged that Kamlesh Kaur in connivance with her co-accused as well as the witnesses, have got prepared a transfer deed on false grounds, whereas, as per instructions of Punjab Government, a transfer deed can only be executed between blood relations, whereas the complainant party have no relation with Kamlesh Kaur aforesaid. It was further alleged that only the Lambardar of complainant's village could have attested the pedigree table, but the witnesses of transfer deed were belong to other villages. She further alleged that all the culprits, in connivance with each other, have deprived off her children from their legal right. With these broad allegations, aforesaid FIR was registered against the accused.

5. Learned counsel *inter alia*, contends that petitioner has falsely been implicated in the instant case. The complainant is the wife of petitioner. The issue involved in the present case is purely of civil nature. He further contends that the matter has now been compromised between the parties in terms of affidavit dated 24.04.2023 (Annexure P-2) duly sworn-in by the complainant. Petitioner is in

custody since 27.03.2023. Nothing has to be recovered from him. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the petitioner may be granted the concession of regular bail.

6. On the other hand, learned State counsel has opposed the present petition. However, learned counsel appearing for the complainant has fairly conceded the fact that the matter has been compromised between the parties and he has no objection, in case, the present petition is allowed.

7. Keeping in view the facts and circumstances of the case and the fact that the matter has been compromised between the parties, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

8. Therefore, the petition is allowed and petitioner-Harjeet Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

11.05.2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No