

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 29.11.2023

1. CRM-M-25938 of 2023

Baba Bihla Das
@ Sukhchain Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

2. CRM-M-44882 of 2023

Pardeep Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. M.K. Dhot, Advocate for the petitioner in
CRM-M-25938 of 2023.

Mr. S.K. Thakur, Advocate for the petitioner in
CRM-M-44882 of 2023.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

In both the petitions titled above, filed under Section 439 Cr.P.C, petitioners have prayed for grant of regular bail in case FIR No.07 dated 11.01.2023 registered under Sections 419, 420, 465, 467, 468, 471 and Section 120-B IPC at Police Station City Zira, District Ferozepur.

2. As it emerges on perusal of the paper book that one Pardeep Chaudhary was owner of land bearing 92 kanals 05 Marla in the area of Village Khatrian. Said Pardeep Chaudhary had donated his land to a Gaushala. On 10.12.2014, Pardeep Chaudhary was murdered in Sahibabad

legal heirs. It is alleged that on 06.09.2016, accused Harjinder Kaur, Sant Baba Bihla Das Chela Garib Das alias Sukhchain Singh (*petitioner in CRM-M-25938 of 2023*), Pardeep Singh son of Baljinder Singh (*petitioner in CRM-M-44882 of 2023*), Inder Singh Numberdar and Santokh Singh son of Surjit Singh, in connivance with each other executed a sale deed bearing Vasika No.1736 regarding property of Pardeep Chaudhary, in favour of Harjinder Kaur by producing a fake person, who impersonated as Pardeep Chaudhary. Later on, Harjinder Kaur in connivance with Ravinder Jit Singh, Gurvir Singh and Pardeep Singh further sold the land in favour of Ravinder Jit Singh on 19.05.2017.

3. Complaint was made by Samruti wife of Pardeep Chaudhry through her Attorney Sant Gagan Dass. Inquiry was conducted and based on the report thereof, FIR was registered. It was found that Santokh Singh was the master mind of the entire fraud. During inquiry, no evidence came to connect Ravinder Jit Singh with the crime. During investigation, accused Inder Singh was found to have already died. Baba Bihla Das @ Sukhchain Singh (*petitioner in CRM-M-25938 of 2023*) was arrested on 11.04.2023; whereas petitioner – Pardeep Singh (*petitioner in CRM-M-44882 of 2023*) was arrested on 04.06.2023. After concluding investigation qua them, challan has already been filed.

4. It is submitted on behalf of petitioner – Baba Bihla Das @ Sukhchain Singh (*petitioner in CRM-M-25938 of 2023*) that he has been falsely implicated; that only role attributed to him is to be of an attesting witness to the sale deed; that it is Santokh Singh, who can tell as to who had impersonated as Pardeep Chaudhary; that petitioner is neither the beneficiary of the alleged sale deed nor impersonated as Pardeep Chaudhary. Learned counsel also submits that petitioner has nothing to do with the subsequent

sale deed dated 18/19.05.2017; that petitioner is not involved in any other case; that investigation is already complete and so, he be allowed bail.

5. On behalf of petitioner – Pardeep Singh (petitioner in CRM-M-44882 of 2023), it is contended that FIR has been lodged after 06 years of delay from the date of execution of the alleged sale deed; that co-accused Harjinder Kaur has already been granted the concession of anticipatory bail; that petitioner is not beneficiary of the sale deed; that petitioner is not aware as to who had impersonated Pardeep Chaudhary and that he is not involved in any other case and so, he be allowed regular bail.

6. Learned State Counsel, by pointing out towards the nature of crime and the roles attributed to the petitioners, prayed for dismissal of both the petitions.

7. I have considered the submissions of both the sides and perused the record.

8. Case in question is triable by the Magistrate. Petitioner – Baba Bihla Das alias Sukhchain Singh is in custody since 11.04.2023; whereas petitioner – Pardeep Singh is in custody since 04.06.2023. As per the custody certificates, none of them is involved in any other case, except one criminal complaint under Section 138 of the NI Act against petitioner – Baba Bihla Dass alias Sukhchain Singh. Investigation is already complete. Trial may take time to conclude. It is not the allegation that any of the petitioners impersonated in place of the fake person as Pardeep Chaudhary.

9. Having regard to all the afore-said facts and circumstances and the fact that no purpose shall be served by keeping the petitioners detained, but without commenting anything on the merits of the case, both the petitions are accepted. Both the petitioners are admitted to bail on their furnishing personal bonds and surety bonds, to the satisfaction of learned

trial Court/ Duty Magistrate concerned.

A photocopy of this order be placed on the file of connected case.

November 29, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No