

212

2023:PHHC:108010

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-35770-2022

Date of decision: 21st August, 2023

Pargat Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Pooja Chopra, Advocate for the petitioner.
Ms. Navreet K. Barnala, AAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
57	22 nd February, 2019	Sohana, District SAS Nagar, Mohali	406, 419, 420, 467, 468, 471, 120-B of IPC, 1860

2. Learned counsel for the petitioner submits that main accused Kulwinder Kaur was granted regular bail by this court on 19th July, 2023.

3. The following order was passed by this Court on 19th July, 2023

- “1.

This 4th petition is filed for grant of regular bail in FIR No.57, dated 22.02.2019, under Sections 406, 419, 420, 467, 468, 471, 120-B of Indian Penal Code, 1860, registered at Police Station Sohana, District SAS Nagar, Mohali.
2.

The earlier petitions were not decided on merits.
3.

The case set up is that the FIR was registered at the instance of Didar Singh. He alleged that on 18.12.2018, on his visit along with his son to the Tehsil Complex, Mohali, it was found that mutation of his land was sanctioned in favour of Ravi Goyal and Sumit Grover. It was revealed that a registered General Power of Attorney (hereinafter referred as 'GPA") was executed in favour of Ramender

Kumar by a non-existent person by the name of Didar Singh. One Pargat Singh impersonated as Didar Singh. On the basis of the GPA the sale deed was executed. During investigation, it was found that Kulwinder Kaur (petitioner) introduced Pargat Singh as Didar Singh (her brother-in-law) to Iqbal Khan and Ramender Kumar, stating that he is interested in selling his land. Further she received a part of sale consideration.

4. *Learned Senior counsel appearing for the petitioner submits that petitioner is in custody since 22.02.2019, there is no progress in the trial and no further recovery is to be made. It is submitted that petitioner is a lady and she has to look after her two children.*

5. *Learned counsel for the State on instructions opposes the prayer but not in a position to dispute the fact that the prosecution evidence is at initial stage.*

6. *Having the conspicuous of the facts, considering the custody period as also the fact that petitioner is a lady and has to look after her two children and conclusion of the trial is likely to take time, petitioner is granted bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate /Duty Magistrate concerned.*

7. *The petition is allowed.*

8. *The observations made hereinabove are made only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.*

9. *Since the main case has been disposed of, the pending applications, if any, rendered infructuous”*

4. Learned counsel for the State though opposes the prayer for grant of bail but on instructions fairly submits that challan has been presented. She is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

5. Without commenting on the merits of the case, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned, rather he is on better footing, petitioner has no criminal antecedent and though the investigation is complete conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

CRM-M-35770-2022

-3-

6. The petition is allowed.
7. Since the main case has been allowed, pending application if any is rendered infructuous.

[AVNEESH JHINGAN]
JUDGE

21st August, 2023
Parveen Sharma

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