

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

209

CRM-M-36465-2022 (O&M)

Date of Decision: 17.01.2023

Balraj @ Ballu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Anshumaan Dalal, Advocate,
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by DSP Arvind Dahiya.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.13 dated 20.01.2022 at Police Station Sadar Bahadurgarh, District Jhajjar, under Sections 420, 467, 468, 471, 201, 120-B IPC and Section 81 of the Registration Act (challan not presented under Section 7, 13(1)b & 13(2) of the Prevention of Corruption Act).
2. The allegations in nutshell are that a fraudulent sale deed No.6350 dated 23.03.2021 was registered in the Office of Sub Registrar, Bahadurgarh pertaining to land belonging to Custodian Department and the Gram Panchayat in favour of one Puran Singh. It is alleged that several Revenue Officials including Tehsildar, Halqa Patwari etc. had connived with the parties so as to fraudulently sell off the land, which vested with

Custodian Department and the Gram Panchayat. The petitioner is alleged to be an attesting witness of the said fraudulent sale deed.

3. Learned counsel for the petitioner has submitted that the petitioner merely attested the sale deed and cannot be said to be a beneficiary in any manner and had no clue whatsoever as regards the land being owned by the Custodian Department and the Gram Panchayat. Learned counsel has further submitted that the petitioner, who has been behind bars since the last about 10 months, deserves the concession of bail on grounds of parity as well inasmuch as Tehsildar concerned has been granted regular bail and the Patwari and Kanungo have been granted anticipatory bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner cannot feign ignorance about the land being owned by Custodian Department and the Gram Panchayat and that since he had consciously signed as an attesting witness, his complicity is clearly evident. Learned State counsel has, however, not disputed that as on date the petitioner has been behind bars since the last about 10 months. Learned State counsel has informed that although challan has been presented, but trial is yet to commence. It has also been informed that the petitioner is not involved in any other case.
5. This Court has considered rival submissions.
6. Having regard to the facts and circumstances of the case, but without expressing anything as regards the merits of the case, this Court is of the opinion that the petitioner, who has already been behind bars since the last about 10 months, cannot be detained indefinitely particularly when he has a clean record. The petition, as such, is accepted and the petitioner

is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Pending application, if any, stands disposed of having been rendered infructuous.

17.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**