

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38070-2023

Date of Decision:16.08.2023

Harjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Munish Puri, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.518 dated 09.12.2022 registered under Sections 419, 465, 466, 467, 468, 471, 474, 120-B of IPC, at Police Station Sohana, District SAS Nagar, Mohali.

As per the case of the prosecution, the FIR in the present case was registered on the basis of the statement made by Parwinder Singh @ Gagandeep Singh. As per the complainant, the petitioner owned 3-1/2 acres of land in village Tangori. At about 3.30 p.m. on 09.12.2022, the complainant came to know that the land mafia was trying to sell 1 acre and 5 marlas of his land by showing themselves as the owner. Even they had prepared a token deed dated 07.12.2022 and were going to execute an agreement to sell and their names were Harjit Singh son of Mukhtiar Singh resident of village Rattangarh, PS Khilchian Amritsar Rural, who would impersonate as Parwinder Singh. It was also alleged that the accused had prepared a fake Aadhar Card also with an

intention to sell the land of the complainant illegally. With these broad allegations, the FIR in the present case was got registered by the complainant.

Learned counsel for the petitioner contends that even from the averments made in the FIR, no offence, as alleged, is made out against him. Learned counsel further contends that in the present case, no one had ever sold the agricultural land owned by the present complainant. He further contends that the petitioner was arrested in the present case on 14.12.2022 and all the offences are triable by the Court of learned Magistrate. As per learned counsel, the challan has already been presented before the Competent Court of law and the charges are yet to be framed. Thus, the conclusion of the trial may take a considerable time.

On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that two more cases have also been registered against the present petitioner and proclamations have been issued in the said two cases against the present petitioner. He further contends that serious allegations have been levelled against the present petitioner.

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was arrested in the present case on 14.12.2022 and all the offences are triable by the Court of learned Magistrate. Even from the contents of the FIR, it is apparent that the ingredients of the offences alleged against the present petitioner, are yet to be proved before the learned trial Court by the prosecution. Apart from that, the petitioner is already on bail in both the cases against him and in one case, a petition for quashing on the basis of compromise has already been filed by the petitioner i.e.

CRM-M-32863 of 2021 before this Court, which is listed on 24.08.2023.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

16.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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