

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42696-2022 (O&M)

Reserved on :- 25.05.2023
Date of Decision:-26.5.2023

HARBANS SINGH

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Argued by :-

Mr. Sidakmeet Sandhu, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

Mr. H.S. Randhawa, Advocate
for the complainant.

KARAMJIT SINGH, J.

CRM-23389-2023

Allowed as prayed for and documents Annexure P-7 to Annexure P-11
are ordered to be taken on record subject to all just exceptions.

Main Case

1. The FIR in this case was registered on the basis of the complaint lodged by complainants Krishan Mohinder Singh and his wife Chand Singh, wherein it was alleged that they were owners of 55 acres of land and they came to know that petitioner Harbans Singh forged power of attorney regarding the aforesaid land purported to have been executed by the complainants in his favour. During investigation, the police got photocopy of the said power of attorney and the same was found to be fake. The petitioner and other accused were arrested in this case.
2. The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and is in custody since 13.6.2022 and after completion of investigation, police has presented the challan but it will take considerable time for the trial to conclude. The counsel for the petitioner further submits that in another criminal cases, the petitioner is enlarged on bail by the Court concerned. The counsel for the petitioner while referring to Annexure P-7 to Annexure P-9 submits that in 3 of the other criminal cases, faced by the petitioner, the matter has been compromised between the parties and in one another criminal case, the police has presented cancellation report. So prayer is made that the petitioner be also released on regular bail in the present case.
3. The present petitioner is resisted by the counsel for the complainant, who submits that the petitioner is the main accused, who was named in the FIR and the petitioner forged one power of attorney regarding

property of the complainants in his favour and thus was the main beneficiary. The counsel for the complainant has further submitted that the petitioner is a habitual offender who keeps an eye on old couples like the complainants, in order to grab their property by preparing fake documents. The counsel for the complainant further submits that trial is yet to commence and as such no ground is made out to release the petitioner on bail, at this stage.

4. Present petition is also resisted by the State counsel, who submits that the petitioner is prime accused named in the FIR and the power of attorney was fabricated by the petitioner in his own name. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 11 months and that trial is at its initial stage.
5. I have considered the submissions made by counsel for the parties.
6. Admittedly all the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner, who was named in the FIR is in custody for the last more than 11 months. The police has presented challan after conclusion of investigation, but charges are yet to be framed and even thereafter, it will take considerable time for the trial to conclude. In the another criminal cases faced by the petitioner, he is either on bail or matter stands compromised, as has been stated by the counsel for petitioner.
7. In the given circumstances, no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.

8. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

26.5.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No