

Gurdeep Singh... Petitioner

Versus

State of Punjab... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Viren Jain, Advocate
Mr. Anil Kumar, Advocate and
Ms. Tarranum Madan, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
06	2.4.2015	NRI, District Ludhiana City	419/420/465/467 /468/471/120-B IPC, 1860

2. Earlier two petitions were dismissed as withdrawn.
3. Learned counsel for the petitioner claims parity with co-accused Kulwant Singh who was granted bail by the Sessions Court vide order dated 29.3.2017 in B.A.No. 81 dated 6.3.2017. It is further argued that the petitioner is in custody since 24.11.2021 and no further recovery is to be made from him. The contention is that the main beneficiary has also been granted bail by the Court concerned.
4. On 29.3.2017, the following order was passed :-

application for grant of bail in the above said FIR. It is averred by the applicant that he is innocent and has been falsely implicated in this case. All the allegations levelled in the FIR are false and frivolous one. The applicant has nothing to do with the allegations levelled in the FIR. The applicant has only identified the purchaser i.e. Jaswinder Singh son of Dalip Singh, resident of village Jodhan, Distt. Ludhiana. The applicant is in judicial custody since the date of his arrest i.e. 27.2.2017 and now he is no more required for further investigation and no useful purpose will be served by keeping him behind the bars as it will take long time to conclude the trial and to present the challan and prayed for releasing him on bail.

2. *Upon notice, Ld. Addl.P.P for the State appeared on behalf of the State. Police record has been produced by the Investigating Officer.*

3. *In this case FIR was registered against the applicant and the other persons alleging that the sale deed has been forged purported to have been executed by Ajit Singh, whereas some other person appeared as Ajit Singh. The person who appeared as Ajit Singh before the Sub Registrar has also been named. He is Gurdeep Singh son of Saudagar Singh. The applicant is one of the attesting witness of the sale deed. The other attesting witness of the sale deed i.e. Sham Sunder has already been granted anticipatory bail by the court of Sh. Jatinder Pal Singh Khurmi, Addl. Sessions Judge, Ludhiana on 14.9.15. The applicant is in custody since his arrest on 27.2.2017. The case is based on the documentary evidence. The presentation of challan and conclusion of trial is likely to take considerable time. So, no useful purpose would be served by keeping the applicant behind the bars for indefinite period. As such, the bail application is allowed. The applicant is ordered to be released on bail on his furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount, to the satisfaction of the Illaqa/Duty Magistrate. Police file be returned forthwith. This file be consigned to the record room.”*

5. Learned counsel for the State though opposes the prayer for grant of bail. However, on instructions he is not in a position to distinguish the case of the petitioner qua the co-accused so far as grant of bail is concerned.

6. Without commenting on the merits of the case, considering the allegations, on the basis of parity of petitioner vis-a-vis co-accused so far as grant of bail is concerned 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.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9 Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

25th July, 2023
anuradha

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