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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42590-2023
Date of decision: 04.09.2023

MOHD RAMZAN @ ZANA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Navjot Singh, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Hardeep Singh, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.81 dated 11.07.2021, under Sections 419, 420, 465, 467, 468, 469, 470, 471 read with Section 120-B of the IPC, registered at Police Station City Malerkotla, District Sangrur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 04.08.2023 and the matter is still at the investigating stage. He further submitted that in the present case, the allegations against the petitioner were that he along with three other co-accused had induced the complainant to enter into an agreement to sell and had pretended that the actual owner was to

sell the land and the actual owner of the land was Raj Kumar and he was impersonated by another co-accused, namely, Parvesh Kumar, who otherwise had died. He further submitted that the allegations against the petitioner were only that he had encouraged the complainant to enter into an agreement to sell but he neither impersonated anybody nor he was instrumental in the same. He further submitted that the petitioner has no criminal background and he is not involved in any other case. He further submitted that after the registration of the FIR, the petitioner had filed a petition for grant of anticipatory bail before this Court and interim anticipatory bail was granted to the petitioner on 01.04.2022. He referred to Annexure P-4, wherein the petitioner had so stated that he is ready and willing to deposit a sum of Rs.5,00,000/- in the establishment of the learned trial Judge and thereafter his anticipatory bail was confirmed by this Court on 09.08.2022 with a condition precedent that the petitioner shall within a period of one week deposit a sum of Rs.5,00,000/- in the establishment of the learned trial Judge concerned. He further submitted that such a condition imposed by way of aforesaid order was an onerous condition and the petitioner did not have any money to deposit within a period of one week and therefore he could not deposit the aforesaid amount and consequently he himself surrendered before the police because he could not fulfill the condition of depositing of Rs.5,00,000/-. He further submitted that the liability of the petitioner and his culpability, if any, can be ascertained only at the time of trial by adducing evidence and his custody may not be perpetuated in this regard.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab submitted that it is correct that the petitioner is in custody from 04.08.2023 and

it was a case wherein dispute was between two parties, wherein allegations were of impersonation but the role of the petitioner was not with regard to impersonating anybody but he was part of the conspiracy. He further submitted on instructions that the petitioner has no criminal background and he is not involved in any other case.

4. Mr. Hardeep Singh, Advocate appearing on behalf of the complainant has however opposed the grant of regular bail to the petitioner on the ground that once the petitioner had given an undertaking to the Court while he was granted anticipatory bail and he has not honoured the same, therefore he could not be granted the concession of regular bail.

5. I have heard the learned counsel for the parties.

6. It is a case where the allegations against the petitioner as aforesaid were not of impersonation but that he was part of conspiracy by which he allegedly induced the complainant to part away with some amount of money by entering into an agreement to sell. The petitioner is stated to be having no criminal background and he is not involved in any other case. Earlier he was granted anticipatory bail by this Court, subject to a condition of depositing Rs.5,00,000/- and as per learned counsel for the petitioner, the petitioner did not have any money and he could not deposit the aforesaid amount and thereafter he himself surrendered before the police.

7. Therefore, considering the aforesaid totality and circumstances of the present case and especially considering the fact that the trial of the case may take a long time to conclude, this Court deems it fit and proper to grant regular bail to the petitioner. Furthermore, it is not the case of the learned State counsel

that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

8. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

04.09.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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