

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

**CRM-M-42937-2023
Date of Decision: 28.11.2023**

Karnail Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Vipin Pal Yadav, Addl. A.G., Punjab.

HARSH BUNGER J.

1. This is the third petition filed under Section 439 of the Code of Criminal Procedure on behalf of petitioner (Karnail Singh) for grant of regular bail in case bearing FIR No.518 dated 09.12.2022, under Sections 120-B, 419, 420, 465, 467, 468 and 471 of the Indian Penal Code (offence under Sections 466 and 474 of the Indian Penal Code, added later on), registered at Police Station Sohana, District S.A.S. Nagar (Mohali).

The first petition (CRM-M-10338-2023) was dismissed by this

Court vide order dated 26.05.2023 (Annexure R-1) and the second petition

(CRM-M-32295-2023) was withdrawn by learned counsel for the petitioner with liberty to file fresh one with better particulars, vide order dated 17.08.2023 (Annexure R-2).

2. In pursuance to an advance notice served upon the State of Punjab, status report by way of affidavit dated 12.09.2023 of Mr. Harsimran Singh Bal, P.P.S., Deputy Superintendent of Police, City-2, S.A.S. Nagar and custody certificate dated 17.10.2023 of the petitioner have been filed on behalf of State of Punjab, which are already on record.

3. Briefly, the aforesaid FIR was registered on the complaint of one Parvinder Singh @ Gagandeep Singh s/o Santokh Singh, resident of Village Tangori, who stated that he is having 3.5 acres of land in Village Tangori and on 09.12.2022 at around 3:30 P.M., he came to know that his land (1 acre 5 marlas) was being sold by land mafia by becoming the fake owner/seller and fake buyer and also forging the property papers. It was alleged that on 07.12.2022, Agreement to Sell was forged by Harjit Singh s/o Mukhtiar Singh, resident of Village Ratangarh, who is impersonating the complainant (as fake Parvinder Singh) and has also forged an Aadhar Card in his name; and is playing the role of land seller whereas Karnail Singh s/o Hari Singh, resident of Mangarh, District Fatehgarh Sahib is impersonating as a property dealer, along with one Kuldeep Singh s/o Prem Singh, and they have obtained *jamabandi (farad)*. It was further alleged that there are 6-7 other persons along with them and in case the raid is conducted then the said persons can be apprehended.

4. As per the status report, after registration of the instant FIR, investigation was carried out and on 09.12.2022, the present petitioner and his accomplices were arrested. During their arrest, one stamp paper having value of Rs.4,000/- was recovered from accused Harjit Singh and forged

Aadhar Card in the name of Parvinder Singh (complainant) was recovered from accused Kuldeep Singh. During interrogation, the said Kuldeep Singh got recorded his statement under Section 27 of the Evidence Act and on his demarcation, 25 *Fards*, one Aadhar Card in the name of Kuldeep Singh, one Aadhar Card in the name of Manjit Kaur w/o Mohanjeet Singh, one voter Card, one PAN Card, one Identity Card of Kuldeep Singh Dhiman of Global Human Rights Front, Vice President, One Maruti Alto Car bearing registration No.PB-23-Q-8447, the R.C. of which is in the name of Kuldeep Singh, one R.C. of Alto Car bearing registration No.PB-23-J-7667 in the name of Kuldeep Singh, one Identity Card of Press Reporter in the name of Kuldeep Singh, one bail bond of Parvinder Singh and one affidavit of Jagir Singh were also recovered from accused Kuldeep Singh. It is mentioned in status report that during investigation, Section 420 of the Indian Penal Code has been deleted in the instant FIR whereas Sections 466 and 475 of the Indian Penal Code have been added therein, vide Case Diary No.14 dated 08.03.2023.

5. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case. It is submitted that the only allegation against petitioner is that he was a member of the land mafia and was acting as a fake property dealer in the fake buying and selling of land.

6. Learned counsel for the petitioner contends that co-accused, namely Jasvir Singh @ Happy and Harjit Singh, have already been granted bail by a co-ordinate Bench of this Court vide orders dated 19.07.2023 (Annexure P-4) and 16.08.2023 (Annexure P-5), respectively.

7. Learned counsel for the petitioner states that the petitioner is not involved in any other case under the Indian Penal Code and he has

undergone actual custody in the instant case for a period of ten months and seven days (as on 17.10.2023); investigation in the case is complete, challan stands presented on 10.03.2023 and charges have been framed on 01.05.2023. It is next submitted that out of the total thirteen prosecution witnesses, no one has been examined by now, hence trial in the case is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind bars for indefinite period. Learned counsel for the petitioner submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court. Learned counsel further submits that the petitioner is also willing to furnish security in the form of Fixed Deposit Receipt (F.D.R.) before the concerned Court, so as to ensure his presence before the Court on each and every date of hearing. Accordingly, prayer for grant of regular bail is made.

8. Per contra, learned State counsel has opposed the prayer of the petitioner for grant of regular bail on the ground of gravity and seriousness of the offences. It is submitted that the petitioner along with co-accused persons have prepared the forged documents, i.e. Aadhar Card etc., which fact was also admitted by him during interrogation, whereby he further admitted that they had come to execute the Agreement to Sell of the land owned by complainant (Parvinder Singh). Learned State counsel submits that in case the petitioner is released on bail then he might influence the witnesses and also abscond and delay the trial. Accordingly, prayer for dismissal of the present petition has been made.

9. However, learned State counsel, while referring to the custody certificate, submits that although three other cases under Section 138 of the Negotiable Instruments Act have been registered against the petitioner but he is on bail in all of the said cases; and he has undergone actual custody in the

instant case for a period of ten month and seven days (as on 17.10.2023). It is conceded by learned State counsel that investigation in the case is complete, challan stands presented and charges have also been framed; and out of the total thirteen prosecution witnesses, no one has been examined by now. It is also conceded that co-accused, namely Jasvir Singh @ Happy and Harjit Singh, have already been granted bail by a co-ordinate Bench of this Court vide orders dated 19.07.2023 and 16.08.2023, respectively.

10. I have heard learned counsel for the parties and perused the paper book as well as the status report and custody certificate of the petitioner.

11. In the instant case, petitioner has undergone actual custody for a period of ten months and seven days (as on 17.10.2023), i.e. about eleven months. The ingredients of the offence alleged against the petitioner are yet to be proved before the trial Court by prosecution. Co-accused, namely Jasvir Singh @ Happy and Harjit Singh, have already been granted bail by a co-ordinate Bench of this Court vide orders dated 19.07.2023 (Annexure P-4) and 16.08.2023 (Annexure P-5), respectively. Investigation in the case is complete, challan stands presented on 10.03.2023 and charges have been framed on 01.05.2023. Out of the total thirteen prosecution witnesses, no one has been examined so far. Thus, trial in the case is likely to take some time to conclude.

12. So far as the apprehension expressed by learned State counsel that the witnesses could be influenced by petitioner, suffice it to state that in the event of any such conduct, the prosecution can always approach the competent court for cancellation of bail. Accordingly, it is observed that the State/Prosecuting Agency/State police shall be at liberty to observe the

behaviour of the petitioner during bail period, and in case it feels that the petitioner is indulging in influencing any of the witnesses or tampering with the prosecution evidence in any manner or otherwise causing interference with the progress of trial, it shall be open for the State/Prosecuting Agency/State police to move the trial Court for cancellation of bail, which shall be decided by the trial Court on merits.

13. In view of the aforementioned facts and circumstances, present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case/trial and any change in the address shall be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity. The petitioner shall also appear before the concerned Police Station/Station House Officer on every alternate Monday till the conclusion of trial.

14. In addition, the petitioner (or anyone on his behalf) shall prepare a Fixed Deposit Receipt (F.D.R.) in the sum of Rs.2,00,000/- and submit the same with the trial Court. The same would be liable to be forfeited as per law, in case the petitioner remains absent from trial without any sufficient cause.

15. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

- 16. The petition is accordingly disposed of.
- 17. All pending application(s), if any, shall also stand closed.

28.11.2023
Apurva

(HARSH BUNGER)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No