

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-47503-2022 (O & M)****Date of decision: 31.01.2023**

Tarsem Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Gurmeet Singh Saini, Advocate, for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.131 dated 29.12.2021 under Sections 420, 465, 467, 468, 471 and 120-B IPC (Section 419 IPC added later on vide Rapat No.20 dated 21.02.2022) with Police Station Makhu, District Ferozepur.

2. The present FIR came to be registered at the instance of Vikas Bansal who stated that his grandfather's brother Parshotam Lal son of Chhaju Mal had been living at Aggarwal Street, Zira, District Ferozepur and had died on 17.06.1998. Since Parshotam Lal did not have any child, his land in village Nizamdin Wala, Tehsil Zira, District Ferozepur was continuing in his name only. In the year, 2015, when the Government had acquired the said land of Parshotam Lal for the National Highway, then the accused Gurmeet Singh (since granted bail vide order dated 18.07.2022 passed in CRM-M-29587-2022) on 12.12.2015, in connivance with the Office of the Revenue

Department and few others got affixed false and forged signatures by getting some unknown persons to impersonate the said Parshotam Lal and got transferred Parshotam Lal's land in the name of Gurmeet Singh vide Exchange Deed dated 27.11.2015 which was witnessed by Gurjant Singh, Lambardar of Bullo Ke, Tehsil Zira and Tarsem Singh (petitioner).

3. The learned counsel for the petitioner *inter alia* contends that the petitioner is only a witness to the alleged Exchange Deed which is stated to be a forged document. There is a delay of 06 years in the registration of the FIR which shows *mala fide* intention. The co-accused of the petitioner, namely, Gurmeet Singh and Bashir Masih have been granted the concession of bail vide orders, Annexures P-2 and P-3. The petitioner was in custody since 09.01.2022 and none of the 15 prosecution witnesses had been examined so far. Since the offence was triable by the Court of a Magistrate, the further incarceration of the petitioner was not required, and therefore, he be granted the concession of bail.

4. The learned counsel for the State, on the other hand, does not dispute the factual assertions made hereinabove. He submits that the allegations against the petitioner are extremely serious and therefore, he does not deserve the concession of regular bail. He, however, does not dispute the fact that the co-accused of the petitioner, namely, Gurmeet Singh and Bashir Masih have been granted the concession of bail by this Court vide orders, Annexures P-2 and P-3.

5. I have heard the learned counsel for both the parties at length.

6. Admittedly, the petitioner is in custody since 09.01.2022 and none of the 15 prosecution witnesses have been examined so far. The co-accused of the petitioner, namely, Gurmeet Singh and Bashir Masih have

been granted the concession of bail. As such, the further incarceration of the

petitioner is not required, moreso, when the case is triable by the Court of a Magistrate.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Tarsem Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

January 31, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No