

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

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CRM-M-52845-2022 (O&M)

Date of decision: 28.03.2023

Joga Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Isha Goyal, Advocate and
Mr. Paramdeep Saini, Advocate for the petitioner.

Ms. Ishma Randhawa, Addl. AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.73 dated 29.03.2021, registered at Police Station Civil Lines, District Amritsar, under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC.

The status report filed on behalf of the respondent-State is already on record.

Learned counsel for the petitioner submits that the earlier petition filed by the petitioner, seeking regular bail, was dismissed as withdrawn on 05.07.2022; that now the challan has been presented; that the only allegation against the petitioner is that he was an attesting witness to the sale deed dated 29.11.2019; that the charges are yet to be framed and that the petitioner has been in custody since 31.03.2022. Moreover, co-accused, namely, Tarsem Singh, who was granted the concession of anticipatory bail by a Coordinate Bench, vide order dated 20.12.2021, has since expired. No recovery was effected from the petitioner.

Learned State counsel, while vehemently opposing the prayer for bail, submits that complainants, namely, Sukhdarshan Kaur and Lakhvir Kaur, have been cheated by the petitioner and co-accused by impersonating them and the land of the complainants was transferred by Satnam Singh in the name of his son. Co-accused Darshan Singh, is the real brother of the complainants and was the attesting witness of the sale deed and has been declared a proclaimed offender. However, she does not dispute the custody period of the petitioner. She submits that charges are yet to be framed.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 31.03.2022. No recovery was effected from the petitioner. Undisputedly, co-accused Darshan Singh-attesting witness of the sale deed, is the real brother of the complainants. Co-accused, namely, Tarsem Singh, who was granted the concession of anticipatory bail by a Coordinate Bench, vide order dated 20.12.2021, has since expired. Charges are yet to be framed. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

28.03.2023
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No