

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

CRM-M-54249-2022
Date of Decision:-**14.02.2023**

BRAHAM PARKASH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. D.R. Bansal, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.142 dated 9.7.2020 registered under Sections 419, 420, 467, 468, 471, 120-B, 34 IPC at Police Station Bhondsi District Gurugram.

FIR in this case was registered on the basis of complaint lodged by complainant-Sudha Yadav that the property in question owned by Aisha Chaudhary Gandhi was sold through registered sale-deed dated 6.1.2020 by co-accused Seema Madan, who impersonated herself as vendor and at the time of execution of the sale-deed, the present petitioner identified co-accused Seema Madan as a true vendor, being Lambardar and accordingly

the petitioner signed the sale-deed in question. The petitioner was arrested in this case on 28.9.2022.

The counsel for the petitioner *inter alia* contends that petitioner is not beneficiary of sale transaction and is in custody for the last more than 4 months and is having no criminal history. That the main accused Seema Madan has been enlarged on regular bail by the Co-ordinate Bench of this Court vide order dated 5.5.2022 having CRM-M-14303-2022. The counsel for the petitioner further submits that after completion of investigation, challan has been presented but it will take considerable time for the trial to conclude. So prayer is made that the petitioner be released on regular bail.

The present petition is contested by the State counsel, who submits that in the present case, co-accused Seema posed herself as owner of the property in question and at the time of execution of sale-deed, she was identified to be true owner of the land, by the petitioner being Lambardar. However, the State counsel has not disputed that after completion of investigation, the police has presented the challan and that petitioner is in custody since last more than 4 months and that main-accused Seema is granted benefit of regular bail vide order dated 5.5.2022.

After hearing the learned counsel for the parties, considering the above background of the case, the complicity and the custody of the petitioner and the fact that the offences are triable by the Court of Judicial Magistrate Ist Class, this Court is of the opinion that no purpose is going to be served by prolonging the judicial custody of the petitioner.

Resultantly without expressing any opinion on the merits of the case, the petition is allowed and the petitioner is ordered to be released on

bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

14.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

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