

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-55937-2022

Date of Decision: 19.01.2023

Gurnam Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Amit Kumar Saini and Mr. Aman Pratap Singh,
Advocates for the petitioner.

Mr. G.S. Sandhu, Deputy Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Custody certificate dated 18.01.2023 and reply dated 19.01.2023, by way of affidavit of Sh. Gurdev Singh, Assistant Commissioner of Police (East), Ludhiana, on behalf of respondent-State, filed by learned counsel for the State are taken on record.

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 0057 dated 04.06.2022 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC at Police Station Meharban, Ludhiana.

As per prosecution story, Manohar Lal, father of complainant was owner in possession of the property in dispute, who died on 29.05.1993. Due to some clerical mistake, name of Manohar Lal, has been mentioned as Manohar Singh in the revenue records. The petitioner

along with his companions by hatching a criminal conspiracy got prepared a forged power of attorney of Manohar Lal and transferred the property in the name of their relatives by impersonating someone else as Manohar Lal/Manohar Singh. The petitioner had played an active role in commission of crime and transferred the property to one Sukhraj Singh, who is the nephew of petitioner. He was also a witness of the sale deed.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the present case as no specific allegation has been levelled against him. He is not the beneficiary of the alleged sale deed. He only stood as a witness to the sale deed and only identified Sukhraj Singh, the alleged purchaser. The petitioner is in custody since 27.08.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Co-accused of the petitioner, namely; Roshan Kaur and Harpal Singh, have already been granted the concession of regular bail by this Court vide order dated 21.11.2022 (Annexure P-5). Thus, treating the case of the petitioner on the same parity as that of his co-accused, he may be released on regular bail.

On the other hand, learned State counsel has opposed the present petition.

Keeping in view the facts and circumstances of the case and also the fact that co-accused of the petitioner, namely, Roshan Kaur and Harpal Singh, have already been granted the concession of regular bail by this Court vide order dated 21.11.2022 (Annexure P-5), but without

commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Gurnam Singh, is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

January 19, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No