

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

225-2 cases

Neutral Citation No. 2023:PHHC:162477

1. CRM-M-59262-2022

Date of decision:18.12.2023

KARAJ SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

2.

Neutral Citation No. 2023:PHHC:162478

CRM-M-2797-2023

GURPIAR SINGH @SAT PAL

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S. S. Brar, Advocate
for the petitioner in CRM-M-59262-2022.

Mr. F.S. Virk, Advocate
for the petitioner in CRM-M-2797-2023.

Mr. Arun Luthra, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

1. This order shall dispose of the above mentioned 02 petitions as both the petitioners are named as accused in the same FIR and have approached this Court by way of separate petitions under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
134	09.08.2021	City Nakodar, District Jalandhar, Punjab	420, 465, 467, 468, 471, 120-B of Indian Penal Code, 1860

2. For the sake of convenience, facts are being taken from CRM-M-59262-2022.

3. The case of the prosecution is that FIR has been registered on the complaint of Shinderpal Singh claiming that he is power of attorney holder of his brother Balwinder Singh, who is the owner of 23 marlas of land. By preparing forged documents his brother's land has been sold vide sale deed dated 28.06.2021 in favour of Gurpiar Singh @ Sat Pal (petitioner in CRM-M-2797-2023). Request has been made to cancel the sale deed and to take appropriate action against the accused.

4. Counsel for the petitioners contends that petitioners have been falsely implicated and accused Karaj Singh (petitioner in CRM-M-59262-2023) is not named in the FIR. He submits that the investigation qua both the accused-petitioners is complete. Challan has been presented and charge has been framed but no prosecution witness has been examined. It is further asserted that as the accused are in custody since 08.09.2021 and the trial is at an initial stage, they deserve to be released from confinement.

5. Per contra, learned State counsel, upon instructions from ASI Harindar Pal and by referring to the status report has opposed the prayer made in the petition. He submits that accused Karaj Singh impersonated as Balwinder Singh, complainant and the sale deed was got registered in the name of co-accused Gurpiar Singh. He submits that fake Aadhaar and Pan Cards have been recovered from Karaj Singh, who is involved in four other criminal cases.

6. Countering the submission, counsel for the petitioner submits that out of 4 other matters, petitioner has been acquitted in two of them.

7. Heard counsel for the parties.

8. Petitioners are accused of offences which are triable by the Magistrate. They are in custody for more than 27 months and trial is at a nascent stage. No apprehension has been expressed by the State that in case the petitioners are released on bail, they will abscond or delay the trial or try to influence the prosecution witnesses. Considering these factors, this court is prima facie of the view that the concession of bail, deserves to be extended to both the petitioners.

8. Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petitions are allowed. Petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.12.2023

pooja saini

(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No