

CRM-M-1723-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
218

CRM-M-1723-2024
Decided on : 08.07.2024

Bharpur Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Lupil Gupta, Advocate
for the petitioner

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0184 dated 23.08.2023 registered under Sections 420, 465, 467, 468, 419, 204 and 120-B of IPC at Police Station City-2, Mansa, District Mansa (Punjab).
2. Learned counsel for the petitioner *inter alia* submits that it is alleged by the complainant-Simarjit Kaur that she is owner of 6 Kanals, 11 Marlas of land situated in Haryana and Gurcharan Singh (main accused) in connivance with the petitioner, who is the witness and Karam Singh had prepared a fake General Power of Attorney and entered into an agreement to sell with one Manpreet Singh. Learned counsel further submits that the petitioner is not the beneficiary rather he is only an attesting witness of the fake General Power of Attorney and he had not received even a single penny. He further submits that the petitioner is in custody since 07.10.2023 and the main co-accused has already been granted the concession

**CRM-M-1723-2024****2**

of regular bail by this Court vide order dated 15.04.2024 passed in CRM-M-16850-2024.

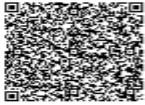
3. On the other hand, learned State counsel has filed the custody certificate dated 05.07.2024, which is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 05 months and 27 days. He further submits that investigation of the case has already been concluded and thereafter the challan has been presented before the competent Court. He also submits that the petitioner is not involved in any other case.

4. Heard.

5. The veracity of the allegations leveled against the petitioner and the co-accused shall be established during the course of the trial. Admittedly, the petitioner is in custody since 07.10.2023 and further incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) *The petitioner will not tamper with the evidence during the trial.*
- (ii) *The petitioner will not pressurize/intimidate the prosecution witness(s).*
- (iii) *The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.*
- (iv) *The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.*



(v) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.*

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

July 08, 2024
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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No