

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.13638 of 2024
Date of Decision: 03.04.2024

FALJEET SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Ishan Gupta, Advocate with
Ms. Harita Panthey, Advocate
for the petitioner.

Mr. Athar Ahmed, DAG, Punjab.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.357 dated 05.12.2023 registered under Sections 419, 420, 467, 468, 471, 120-B IPC (Section 201 IPC added later on) at Police Station City Kharar, District SAS Nagar (Mohali), Punjab.
2. Learned counsel for the petitioner submits that the petitioner has been implicated on the basis of supplementary statement made by the complainant which was recorded on 28.01.2024 of having arranged for the lady impersonating herself as Harwinder Kaur Brar.
3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while referring to the allegation levelled against the petitioner in the supplementary statement made by the complainant of having arranged for the lady, who has impersonated herself as Harwinder Kaur Brar i.e. complainant, whose property was transferred fraudulently by virtue of sale deed dated 25.09.2023.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.
5. In the present case, the petitioner is behind the bars for a period of more than two months. The FIR in the present case was recorded on 05.12.2023 on the basis of statement made by the complainant Harwinder Kaur Brar, wherein the petitioner was never named as an accused, however in the supplementary statement which was recorded after more than 1½ months i.e. on 28.01.2024, the allegations were leveled against the petitioner of having arranged for the lady, who impersonated herself as Harwinder Kaur Brar. The delay in implicating the petitioner in the FIR in hand at this stage goes in his favour.
6. Considering the fact that the petitioner has already been interrogated by the Investigating Agency, I do not find any justification to extend the incarceration of the petitioner.
7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.
8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 03, 2024
Atik

(HARKESH MANUJA)
JUDGE

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