



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.23487 of 2024 (O&M)
Date of Decision: 17.07.2024

Nachattar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aakash Singla, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
395	02.12.2023	Tripri Patiala, District Patiala	419, 420, 465, 467, 468, 471 and 120-B of IPC and 82 of the Registration Act, 1977 (1920 AD) (actually Registration Act, 1908)

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was lodged on the basis of a written complaint filed by the complainant Manoj Kumar alleging therein that he had purchased a plot measuring 162 square yards

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situated at Friends Colony, Tafazalpura on 27.11.2017 from one Ram Rajan son of Baldev Singh, resident of Village Salewal on making payment of sale consideration of amount of Rs.13,65,000/-. Ram Rajan had purchased this plot from Amarjit Singh and Kamaljit Singh through their General Power of Attorney holders namely, Balwinder Singh and Davinder Singh, on 15.09.2017. He alleged that on 15.12.2017, while he was raising construction of boundary wall of the abovesaid plot over which he had raised a construction of a room, several persons reached there. Two of them while introducing themselves as Amarjit Singh and Kamaljit Singh, claimed ownership over the said plot and tried to stop the construction. The complainant reported the matter to the police and on making inquiry, he came to know that the General Power of Attorney executed in favour of Balwinder Singh and Davinder Singh was a forged Power of Attorney and the original owners had not executed the same. He produced on record the copies of the General Power of Attorney and sale deed executed in his favour. The Power of Attorney executed in favour of Ram Rajan had been attested by the present petitioner as a witness on the basis of which he was nominated as an accused. The petitioner and some of the co-accused were arrested during the course of investigation. The petitioner had moved applications for grant of regular bail before the Court of learned Additional Sessions Judge, Patiala which had been dismissed vide order dated 21.02.2024 and subsequently on 18.04.2024

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had signed the disputed Power of

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Attorney in the capacity of Lambardar. He is in custody since 01.01.2024. Investigation has since been completed. Challan has been presented in the Court. Trial is likely to take time. The subject offences are triable by Magistrate. He is a patient of paralysis and is also suffering from Parkinsons disease. He has a permanent abode. There are no chances of his absconding or intimidating the witnesses or tampering with the prosecution evidence. His further detention would not serve any useful purpose. With these broad submissions, it is argued that he deserves to be extended benefit of bail on account of his medical condition as well as otherwise.

4. Per contra, it has been argued by learned State counsel that there are serious and specific allegations against the petitioner who in the capacity of a Lambardar, identified some fake persons as the original owners of the plot which was subsequently sold to the complainant while fully knowing that the persons by whom the General Power of Attorney was executed qua the said plot were not original owners. The learned State counsel has also placed on record copy of a letter written by Medical Officer, Central Jail, Patiala and forwarded by the Jail Superintendent, Central Jail, Patiala as per which, the petitioner is under treatment. He was having history of tremors with no history of any major chronic problem. He takes symptomatic treatment occasionally on complaint of increase in his blood pressure. He had visited the jail hospital in May 2024 with the complaint of right sided weakness and tremors in his upper as well as lower limbs and was sent to medicine department of Rajindra Hospital, Patiala on 27.05.2024. He is on regular follow up in jail hospital but has been again

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complaining of tremors. The petitioner is habitual offender as several cases of similar nature are pending against him. Learned State counsel has drawn the attention of this Court to the custody certificate as per which as many as three cases of similar nature are pending against him. It is argued that there are chances of petitioner's committing similar offences if extended benefit of bail, therefore, the petitioner does not deserve to be given concession of regular bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

6. The petitioner is in custody for a period of over six months. The subject offences are triable by Magistrate. The investigation has since been completed. The trial is likely to take time. The report from Rajindra Hospital, Patiala has also been tagged which is suggestive of his suffering from Parkinsons disease. The petitioner himself has also placed on record Anneuxre P-2 which are copies of OPD Receipts issued by Ex-Servicemen Contributory Health Scheme Polyclinic, Patiala as per which he is having history of Parkinsonism. Keeping in view the period of incarceration of the petitioner, his medical condition, the role attributed to him, the nature of the subject offences and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that he deserves to be extended benefit of bail at this stage. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

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7. Miscellaneous application(s), if any, also stand disposed of.

17.07.2024
manju

(MANISHA BATRA)
JUDGE

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