



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-29491-2024
DECIDED ON: 12.06.2024**

KALYAN SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Savpreet Gujral, Advocate for
Mr. D.S. Sobti, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.0053, dated 01.05.2024 (Annexure P-1), under Sections 406, 420, 120-B IPC and Sections 465, 467, 468 and 471 IPC, registered at Police Station Lalru, District SAS Nagar.

2. Learned counsel for the petitioner contends that there is an unexplained delay of 21 years in lodging the instant FIR for the occurrence which is alleged to have been taken place on 21.03.2003 by virtue of two sale deeds bearing Vaseeka Nos.7508 and 7509. The allegation against the petitioner is that he as a Managing Director of the Company has reduced the share percentage of the deceased husband of the complainant namely Iqbal Singh and on that account has caused wrongful loss to the complainant and

her sons, which is a false and frivolous allegation as has been averred on behalf of the petitioner.

3. Learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. He seeks dismissal of the instant petition urging that the petitioner as Managing Director of the Company in question has reduced the share percentage of the deceased husband of the complainant namely Iqbal Singh and on that account has caused wrongful loss to the complainant and her sons.

4. Mr. Rahul Kumar Prashar, Advocate has put in appearance on behalf of the complainant and has filed *Vakalatnama*, which is taken on record.

5. Be that as it may, this Court is conscious of the fact that the sale deed, if any, has been executed, in the year 2003 to be precise on 21.03.2003 added with the facts that the petitioner being a Director of the Company was competent to sign the abstract of the minutes of the meeting of the Board of Directors, thus, there was no occasion for him, to forge any person's signature on a letter head showing an agenda passed in a Board Resolution and having no incriminating material put forth before this Court to support the version of the complainant qua reduction of share percentage of her deceased husband and in that sense *prima facie* wrongful loss to the complainant and her sons, has not been established before this Court so far. Even otherwise also having regard to the fact that investigation in the present case is pending since registration of the FIR on 01.05.2024, there is no chance of petitioner's absconding from the clutches of law or tampering with any evidence which is material for the investigating agency to reach to

a logical conclusion i.e. to prepare final report under Section 173 Cr.P.C. if any.

6. Considering the abovesaid facts and circumstances despite the fact that there is an unexplained delay of more than 21 years in lodging the FIR added with the aspect that petitioner has been made to stay behind bars for 01 month and 01 day without any incriminating material *prima facie* given out so far in the investigation who has already associated with the investigating agency and all the relevant documentary evidence is with the Investigating Officer, this petition deserves to be allowed.

7. In the light of above facts, this Court is sanguine of the fact that according to the proposition settled by the Apex Court in *Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131*, that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. Therefore, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

9. In the afore-said terms, the present petition is hereby allowed.

10. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

12.06.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No