



CRM-M-59425-2023

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

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Date of Decision : May 28, 2024

SURMUKH SINGH ALIAS TOTA ALIAS MANDAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.V.S.Rishi , Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.2 dated 22.4.2022, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC and lateron added Section 201 of IPC, registered at Police Station NRI, District Moga (Punjab).
2. The petitioner, who is facing trial in 15 other cases, is facing trial in the above FIR, with the allegations that he alienated the property of the complainant, by impersonation and received huge amount of Rs.32,50,000/- and he is the master mind of the entire transaction.
3. The prosecution agency was set into motion on a joint complaint made by Sharanpreet Kaur @ Sharan Kaur Khaira, d/o Tarlochan Singh, Tarlochan Singh and Narinder Chawla. On the basis of

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the complaint, the instant FIR was registered. As per the allegations, the property, which belonged to Sharanpreet Kaur and her father (Tarlochan Singh) was fraudulently sold vide registered sale-deed Vasika No.2956 dated 28.10.2015 vide mutation No.27997. During investigation, it transpired that the petitioner is a master mind, who by taking advantage of absence of the original owners, executed the forged sale-deed and received a huge amount of Rs.32,50,000/-.

4. Learned counsel for the petitioner though has not touched the merit of the present case, in the asking for the relief of regular bail, however, he submits that the petitioner has suffered incarceration of 11 months and 7 days as on today and the offences mentioned in the instant FIR are triable by the learned Judicial Magistrate 1st Class, concerned. He further submits that though the petitioner is involved in 15 other cases and in some cases, he is on bail and in some cases, he has earned acquittal. He further submits that the trial is at the initial stage and the conclusion of the trial would take a long time.

5. On the other hand, the learned State counsel has vociferously opposed the grant of regular bail to the petitioner and submits that the petitioner is infact the master mind and he is a habitual offender. He further submits that in the instant FIR, the investigation was concluded and the final report has already been filed way back on 5.7.2023 and charges have been framed on 24.8.2023 and out of total 24 witnesses cited by the prosecution, only examination-in-chief of one witness has been concluded.



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6. Though the petitioner is stated to be master mind and is a habitual offender, but the petitioner cannot be put behind the bars for indefinite period. The speedy trial is one of the recognized right of the accused persons and as per the statement suffered by the learned State counsel, only one witness that too his examination-in-chief has been concluded, out of 24 cited witnesses by the prosecution, therefore, the trial is moving at a snail pace and conclusion of trial would take a long time.

7. Considering the fact that the petitioner has suffered incarceration of 11 months and 7 days as on today and the trial is at initial stage, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No