

dated 15.12.2010. The land was got transferred through a civil court decree and thus, with the allegation of committing fraud and causing damage to the complainant, instant FIR was got registered against accused persons.

3. The facts, as detailed in FIR, revealed out that after partition of the country in the year 1947, the Government allotted land measuring 23 Kanal – 9 Marla in the name of Joginder Singh (uncle of complainant) and land measuring 9 Kanal – 8 Marla in the name of Jaidev Singh (father of complainant), total land measuring 32 Kanal – 17 Marla. About 40-45 years ago, both of them (father and uncle of complainant) had migrated to Thailand and started residing with the complainant, thus, fraud has been committed after their death by accused persons by getting the land transferred in their names.

4. Demonstrating the facts as alleged in FIR, counsel argues that there are so many disputed facts, which would be resolved through the documentary evidence, which already has been collected by the investigating agency during the course of investigation. Moreover, the other factual aspects such as, guards and owners of allottees of the land, namely, Jaidev Singh and Joginder Singh, had ever visited India or not before their death i.e. in the year 2020 or near about, would be subject matter to be proved by the prosecution beyond doubt during the course of trial. It is also argued that FIR has been registered at a belated stage because the affidavit was purported to be executed way back on dated 15.12.2010, whereas FIR in question was lodged after more than 14 years i.e. on 03.04.2024. It is also pointed out that apart from affidavit dated 15.12.2010, which was the basic document for passing a decree on 19.09.2012, was well within the lifetime of actual owners of the land and there being no challenge ever during their lifetime period, would give chance of raising presumption in favour of accused party that infact there was

no such fraud ever played and had there been any illegal act at the instance of petitioner, the same could not be kept concealed for a period of 12 years i.e. upto the time of registration of FIR, thus, lodging of FIR is just to twist the arm and to pressurize the accused party including the petitioner. Moreover, all the charges are triable by Court of Magistrate and after completion of investigation, the challan against accused persons has been presented on 04.07.2025, whereas the petitioner is suffering incarceration since 07.04.2025, thus, prayer has been made for grant of concession of regular bail to the petitioner during the pendency of trial.

5. On the other hand, learned State counsel has raised serious objection to the prayer made by the petitioner for grant of regular bail during the pendency of trial and submitted that since the petitioner has committed fraud with other co-accused, no leniency can be applied to his claim of bail, therefore, same requires to be rejected.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. Be that as it may, keeping in view the fact that the petitioner is not involved in any other criminal case of similar nature; is suffering incarceration since 07.04.2025; the trial is yet to commence, which is likely to take considerable time to conclude; and without expressing any opinion on the merits of the case, this Court finds it appropriate to extend the concession of regular bail to the petitioner.

8. Consequently, prayer made in the instant petition is allowed. Petitioner is ordered to released on bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.
11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

03.09.2025
sjks

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