

(2019) 08 P&H CK 0090

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous Petition (M) No. 11502 Of 2019

Gurdeep Singh

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision: Aug. 14, 2019

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 437(3), 439
- Indian Penal Code, 1860 - Section 120B, 201, 419, 420, 465, 467, 471

Hon'ble Judges: Surinder Gupta, J

Bench: Single Bench

Advocate: ASI Kulwinder Kaur, Jaswant Kaur

Final Decision: Allowed

Judgement

Surinder Gupta, J

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.1 dated

24.01.2018 registered for offences punishable under Sections 419, 420, 465, 467, 471, 120-B and 201 of Indian Penal Code (for short, "IPC") at

Police Station NRI Sangrur, District Sangrur.

Facts of present case are taken from order dated 21.01.2019 passed by Additional Sessions Judge, Sangrur and are reproduced as follows:-

2. The present FIR has been lodged on the statement of complainant Jaswant Kaur, a Non Resident Indian, wife of Jarnail Singh, against Gurdeep

Singh (applicant), Rachpal Singh Nambardar Gurjant Singh and Sukhwinder Singh alleging that accused Rachpal Singh impersonated as Jarnail Singh

and got registered a special power of attorney bearing No.26/04 dated 19.04.2005 in favour of Gurdeep Singh. In the aforesaid Special Power of

Attorney, applicant- accused Sukhwinder Singh and Nambardar Gurjant Singh identified impostor Rachpal Singh as Jarnail Singh. On the basis of

aforesaid forged special power of attorney, Gurdeep Singh sold out the shop measuring 60 sq. yards of Jarnail Singh in consideration of Rs.1, 50,000/-

vide registered sale deed No.738 dated 29.06.2006. On the basis of aforesaid allegations, the FIR was registered.â€

The petitioner was arrested on 03.12.2018. Challan against him has already been presented in Court. The entire case is based on documentary

evidence.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably

long time, the present petition is allowed. Petitioner-Gurdeep Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to

the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

(a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be

competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall

have to apply for bail afresh.

(c) He shall not leave the country without the previous permission of the Court.