

**In the Court of Dharminder Paul Singla, Addl. Sessions Judge,
Jalandhar [UID No.PB0083]**

PBJL010066282022



BA/2104/2022

Presented on : 02-06-2022

Registered on : 02-06-2022

Decided on : 06-06-2022

Duration : 0 years, 0 months, 4 days

Rakesh Kumar Chadha, aged about 42 years S/o Chander Kishore Chadha, resident of H.No.NF-133, Quilla Mohalla, District Jalandhar, Punjab.

.....Accused/applicant

Versus

State of Punjab.

.....Respondent.

FIR No.151, dated 18.11.2021,
U/Sec. 420/465/467/468/471 IPC,
Police Station Navi Baradari, Jalandhar.

First Bail Application under Section 439 Cr.P.C.

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Present: Sh. Naval Sehgal, Advocate, counsel for the applicant/  
accused.  
Sh. Gagandeep, Additional Public Prosecutor for the State  
alongwith ASI Palwinder Singh.

**ORDER**

This order of mine shall dispose of first application for  
regular bail under Section 439 Cr.P.C moved by accused/applicant

**Rakesh Kumar Chadha** in case FIR No.151, dated 18.11.2021, U/Sec.  
420/465/467/468/471 IPC, Police Station Navi Baradari, Jalandhar.

Dharminder Paul Singla,  
ASJ/Jalandhar/ 06.06.2022

2. Perusal of the record reveals the fact that complainant Sub Registrar-I has got registered the case with the allegations that sale deed bearing No.11016, dated 23.03.2021 has been got registered by the parties on the basis of wrong facts. On the basis of these allegations, previously letter was sent by the Sub Registrar to the Deputy Commissioner and after verification, case has been got registered against the accused/applicant Rakesh Kumar Chadha on account of fact that the description of the property narrated in the sale deed on the basis of one sale deed dated 14.10.1995 is wrong and same has got registered with deceitful manner. On the basis of these allegations and after verifying the factum of ownership from the previous owner namely Sukhpal Singh and others, the concerned authority has prima facie found that Rakesh Kumar Chadha has got registered the deed with the help of deceitful means. On the basis of these allegations, case has been got registered against the accused/applicant and investigation is pending.

3. Learned counsel for the accused/applicant pressed for bail on the ground that the the false case has been registered against the accused/applicant, because the alleged sale deed dated 14.10.1995 was never produced by the accused/applicant, as this fact is not recorded in the recitals of the sale deed which has been allegedly got registered. He further argued that after the death of Batalia Ram, grand father of petitioner Baij Nath has been paying House Tax to the Municipal Corporation, Jalandhar and with respect of this fact, he has produced

various receipts. He further contended that accused/applicant has never placed reliance upon the sale deed dated 14.10.1995 to execute the sale deed in favour of his wife, rather complainant has got registered the false case as none of the co-sharers have lodged any complaint. He further argued that all the offences are triable by the Court of Judicial Magistrate First Class and accused/applicant is in judicial custody and he prayed for bail on these grounds.

4. Learned Additional Public Prosecutor opposed the bail application on the ground that previously anticipatory bail application of the accused/applicant has already been dismissed and even anticipatory bail application filed before Hon'ble High Court has also been dismissed. He prayed for the dismissal of bail application on these grounds.

5. I have heard learned counsel for the accused/applicant, learned Addl.P.P. for the State and have gone through the record carefully.

6. After hearing their respective submissions and perusal of record reveals the fact that it is not in dispute that the alleged sale deed has been alleged to be based on some sale deed dated 14.10.1995, which is allegedly to be a forged document. However, all these allegations levelled by the complainant have yet to be proved during evidence at the time of trial. Moreover, accused/applicant claiming ownership on the basis of the fact that the property came to him from his ancestors and no co-sharers have filed any complaint. However, learned Addl.P.P for the State pointed out that the co-sharers have also filed complaint to the

Worthy Deputy Commissioner. Keeping in view of these facts, it is clear that is is a civil dispute, qua rights of the property interest between the parties, which has given a criminal colour. Moreover, accused/applicant is already in Judicial custody and nothing is required to be recovered from him, which further entails his judicial custody. The completion of investigation, presentation of challan and conclusion of trial would take long time and no useful purpose would be served by detaining the accused/applicant into the custody for an indefinite period as the pretrial incarceration would adversely impact on accused/applicant as well as his family. All the alleged offences are triable by the Court of Learned Magistrate and accused/applicant has already been remanded to Judicial custody on request of the police. Keeping in view of these facts and circumstances, the accused/applicant is ordered to be released on bail on his furnishing of bail bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of learned Area/Duty Magistrate, Jalandhar subject to the following conditions:

- i. that the applicant/accused shall appear in the Court on each and every date of hearing,
- ii. that the applicant/accused shall not leave the country without prior permission of the Court,
- iii. that the applicant/accused shall not threaten or induce any witness to dissuade him from disclosing the true facts.

7. In the light of above discussion, bail application is hereby allowed. However, any observation given in this order shall not effect on

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**[5]**

merits of the main case. Copy of this order be sent to the learned Area/Duty Magistrate for compliance. Police record be returned. Bail application file be consigned to the record room after due compilation.

Pronounced:

Dated:06.06.2022

(Dharminder Paul Singla),  
Addl. Sessions Judge,  
Jalandhar.[UID No. PB0083]

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Dharminder Paul Singla,  
ASJ/Jalandhar/ 06.06.2022