

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

CRM-M No.18759 of 2015

Date of decision:17.06.2015

Lakhwinder Singh and another

... Petitioners

versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioners.

Mr. Ranbir Singh Pathania, DAG, Punjab.

K.Kannan, J. (Oral)

1. The petition is filed for grant of regular bail pending trial in case FIR No.209, dated 29.12.2014, under Sections 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Muktsar City, District Muktsar.

2. The contention of the petitioner is that the original owner of the property Buta Singh is reported to have entered into an agreement of sale with the complainant and has received an amount of ₹20 lakh and in breach of trust and with an intent to defraud the purchaser, he has also entered into a transaction of sale with one Avtar Singh. Criminal offence attributed to the petitioner is that he is a property dealer and he has brought about the fraudulent

transaction. According to the petitioner, it is a pure civil transaction and there is no criminal offence which can be said to be committed by him.

3. The State on notice submits that the petitioner himself has signed as a witness in the document made in favour of Avtar Singh and he has participated in the fraudulent transaction in connivance with Buta Singh and Avtar Singh. The counsel also points out that he has been in confinement from 21.04.2015 till date. It would seem that there is surely a defence possible that it is a dispute of civil nature and considering the fact that the petitioner had also undergone incarceration for a period of 1 month and 26 days, I am of the view that the petitioner shall have the benefit of bail. No serious prejudice would be caused since the nature of evidence that is necessary is only the transaction that has been brought about between the complainant and the principal accused Buta Singh and the purchaser. It is not likely that the petitioner can influence the complainant himself which can create any problem for a fair trial.

4. Under the circumstances, I am of the view that the petitioner is entitled to regular bail, subject to the conditions laid down under Section 437 Cr.P.C. as under:-

“(3) (a).....

(b) that the petitioner shall not commit an offence similar to the offence of which he is accused, or

suspected, of the commission of which he is suspected,
and

(c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence, and may also impose, in the interests of justice, such other conditions as it considers necessary.”

The petitioner will furnish bail bonds for ₹50,000/- with two sureties for like amount to the satisfaction of the CJM/Duty Magistrate.

5. The petition stands allowed on the above terms.

(K.KANNAN)
JUDGE

17.06.2015
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