

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

CRM-M-23595-2015 (O&M)
Date of decision: 01.10.2015

Jagjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. B.S. Rana, Senior Advocate with
Mr. Sahil Khunger, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

CRM-32356-2015

Applicant seeks permission to place on record the copy of sale deeds as Annexure P-13 (colly.).

Application is allowed, as prayed for. Documents are permitted to be placed on record.

CRM stands disposed of.

CRM-M-23595-2015

Petitioner seeks bail pending trial in FIR No.25 dated 04.02.2015 under Sections 406, 420, 467, 468, 471, 120-B IPC, registered at Police Station Shimlapuri, District Ludhiana.

Learned Senior Counsel for the petitioner submits that in view of the numerous sale deeds placed on record today by way of CRM-32356-2015, petitioner was a bonafide purchaser of different pieces of land by way

of these 10 sale deeds. He further submits that if some piece of land was sold to the petitioner twice over by different sets of co-sharers, then he himself would be a sufferer and victim, like the complainant, in view of the judgment of Hon'ble Supreme court in **Mohd. Ibrahim Vs. State of Bihar and another, 2009 (3) SCC (CrI.) 929**. Learned Senior Counsel for the petitioner would next contend that petitioner is not running away from his financial liability, if any, but in the circumstances of the case, including the material fact that petitioner is an ailing person, he deserves the concession of bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Angraj Singh, Police Station Shimlapuri, Ludhiana, submits that petitioner has committed offences alleged against him, by mortgaging some piece of land more than once and the land was not found existing at the site. In such a situation, petitioner would not be entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of bail pending trial. It is so said because this material fact is not denied before this Court that petitioner was a bonafide purchaser in all the 10 sale deeds, placed on record before this Court, by way of CRM-32356-2015. That is how, learned Senior Counsel for the petitioner has been found fully justified in contending that, petitioner would also be a victim and sufferer, like the complainant. Having said that,

this Court feels no hesitation to conclude that it would be debatable issue before the learned trial Court as to whether, as a matter of fact, petitioner had any malafide intention to commit the offences alleged against him and whether he has actually committed any of the offences alleged against him. This view taken by the Court also finds support from the judgment of Hon'ble Supreme Court in **Mohd. Ibrahim**'s case (supra).

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

01.10.2015
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