

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT  
CHANDIGARH**

**CRM-M-25631-2015**  
**Date of decision:7.8.2015**

Sher Singh and another

...Petitioners

**Versus**

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

**Present:** Mr.Atul Lakhanpal, Sr. Advocate with  
Mr.Arjun Lakhanpal, Advocate for the petitioners.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

Ms.Ruchi Sekhri, Advocate for the complainant.

**RAMESHWAR SINGH MALIK, J. (Oral)**

Petitioners seek bail pending trial in FIR No.46 dated 30.6.2015 registered under Section 420 of the Indian Penal Code at Police Station, City Budhlada, District Mansa.

Learned senior counsel for the petitioners submits that it was a money dispute between the parties. A compromise had already been arrived at between the parties and pursuant to that, one acre of land was transferred in the name of Paramjeet Kaur-wife of the complainant towards full and final settlement. However, later on, the complainant, turned dishonest and lodged the present FIR against the petitioners which amounts to blatant misuse of the process of law. He concluded by submitting that since even the challan has not been presented so far, conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from HC Darshan Singh, Police Station Budhlada, District Mansa, submits that it was a huge money transaction between the parties. Although the

petitioners transferred one acre of land in the name of Paramjeet Kaur-wife of the complainant Shri Kuldip Singh, yet since the huge amount is yet to be paid by the petitioners to the complainant, the case was rightly registered against the petitioners. Since the petitioners are not honouring the terms of oral settlement between the parties for transfer of five acres of land, they are not entitled for the concession of bail pending trial. He prays for dismissal of the petition.

Similarly, learned counsel for the complainant vehemently opposes the instant petition, contending that petitioners have defrauded the complainant. The complainant was made to deposit a huge amount Rs.1,29,47,000/-. Thereafter petitioners backed out from the terms of oral settlement between the parties, wherein petitioners promised to transfer five acres of land in the name of the complainant. After transfer of only one acre of land in the name of the wife of complainant, petitioners turned dishonest and refused to transfer any further land in the name of the complainant, because of which, they are not entitled for bail pending trial. She also 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 instant case, petitioners have been found entitled for the concession of bail pending trial. It is so said because at the most it was a money dispute between the parties. Even if there was a breach of terms of alleged oral settlement between the parties, at the hands of the petitioners, the complainant would be at liberty to recover

the amount from the petitioners, in accordance with law. Further, since challan has not been presented so far, conclusion of trial will take some time.

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, the instant petition is allowed. Petitioners are directed to be released on bail pending trial on their furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Mansa.

Disposed of, accordingly.

**7.8.2015**  
**mks**

**(RAMESHWAR SINGH MALIK)**  
**JUDGE**