

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

CRM-M-4032 of 2015
Date of Decision: 01.04.2015

Lakha Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Ms. G.K. Dulat, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of regular bail to the petitioner in case FIR No. 151 dated 08.10.2012, under Sections 406 and 420 of the Indian Penal Code registered at Police Station, Shambhu, District Patiala.

2. Precisely, the accusation against the petitioner is that he, in collusion with his co-accused had persuaded complainant-Harjinder Singh to enter into an agreement of sale through co-accused Satpal Singh with regard to an agricultural land and had received huge amount as earnest money but had failed to execute the sale deed.

3. Heard the submissions made by Ms. G.K. Dulat, Advocate representing the petitioner and Ms. Simsi Dhir Malhotra, DAG, Punjab representing the State.

4. It was argued on behalf of the petitioner that his name did

not figure in the first information report and there was no material to connect him directly with the alleged agreement of sale executed between one Satpal Singh and the complainant. He had also not received any amount as the earnest money, which according to the allegation of the complainant was paid to the vendor namely Satpal Singh who executed the agreement of sale. It was also submitted that the petitioner is the actual owner of the land in question and no transaction of sale had taken place between him and the complainant.

5. As per contents of the first information report the agreement of sale in favour of the complainant was not executed by the petitioner and he also was not named in the first information report. The allegation was that the agreement of sale was executed by Satpal Singh. Moreso, one of the co-accused of the petitioner namely Darshan Singh, against whom there were identical allegations as against the petitioner, was enlarged on regular bail vide order of this Court dated 08.11.2013.

5. As such, in view of facts and circumstances of the case and lest any expression above may prejudice the case of either side, there being no plausible ground to detain the petitioner in custody, he is admitted to bail, subject to his furnishing bail/surety bonds, to the satisfaction of trial Court/Duty Magistrate, Patiala.

April 01, 2015
rashmi

(SNEH PRASHAR)
JUDGE