

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-529 of 2015

Date of Decision: October 14, 2015

Narinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Anupam Bhanot, Advocate
for the petitioner.

Mr. Gazi Mohammad, DAG, Punjab.

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M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Sawinder Singh alleging that land measuring 204 kanals 7 marlas (25 acres 4 kanal 7 marla) in owned by petitioner Narinder Singh besides Lakha Singh and Amrik Singh etc. One Sardool Singh had entered into an agreement of sale on July 3, 2012 to purchase the said land. On the basis of said agreement of sale in his favour, Sardool Singh entered into an agreement of sale on August 14, 2012 with complainant at the rate of Rs.28.50 lacs per acre. The complainant had paid

earnest money of Rs.1.50 crore in cash as well as through RTGS. Registered sale deed was to be executed in favour of the complainant by June 28, 2013 and as the complainant had arranged the entire amount for purchasing the land, he asked Sardool Singh to get the sale deed executed and registered in his favour but Sardool Singh kept on making lame excuses. Sardool Singh did not get the sale deed registered in favour of the complainant and did not return the earnest money, and connived with co-accused Narinder Singh, petitioner, Lakha Singh, Amrik Singh, Hardip Singh, Dilbag Singh and Gurdip Singh and cheated the complainant, as the accused had prepared a false and fabricated agreement to sell dated July 3, 2012 in criminal conspiracy with each other.

During the course of arguments, it transpired that the land in dispute was owned by Narinder Singh and his co-sharers Lakha Singh, Amrik Singh, Hardip Singh, Dilbag Singh and Gurdeep Singh. Sardool Singh was not the owner of the said land but he received earnest money from complainant Sawinder Singh on the basis of fake and fabricated agreement of sale dated July 3, 2012 which was prepared in connivance with petitioner Narinder Singh and other accused. In this case the inquiry was marked by SSP, Tarn Taran to Inspector Lakhbir Singh. As per the report dated May 13, 2013, the petitioner was found to have entered into conspiracy with Sardool Singh. The main allegations are against co-accused Sardool Singh. The petitioner has not received the alleged amount of Rs.1.50 crores.

Pursuant to the interim orders passed by a coordinate Bench of this Court, the petitioner has joined investigation. It is not a case of custodial interrogation but a case where there is combination of civil as well as criminal liability attributable to main accused Sardool Singh.

A perusal of the police file indicates that it will be debatable during trial whether the petitioner had conspired with the main accused.

In view of the above, the petition is allowed and it is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to all the conditions under Section 438 (2) Cr.P.C. without prejudice to the rights of the complainant or his representatives to recover the amount in accordance with law.

October 14, 2015
sanjay

(M.M.S.BEDI)
JUDGE