

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4654 of 2016 (O&M)

Date of Decision: 16.02.2016

Balbir Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sanjay Gupta, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.81 dated 19.11.2013 under sections 420, 120-B I.P.C registered at Police Station, City Banga, District S.B.S. Nagar (Nawanshahr).

Learned counsel for the parties have been heard.

Allegations against the present petitioner as also co-accused are in relation to an agreement to sell dated 30.10.2010 entered into with the complainant and only part of the sale deed in pursuance to the agreement to sell having fructified. Allegations primarily are in relation to misappropriation of a huge sum of money.

Allegations primarily are a pointer towards a civil dispute. Such observation is being made in the light of the terms and conditions of the agreement and as per which the sale deed was to be got executed on 30.4.2012 and it was stipulated that, if, the vendor does not execute the sale deed within the time frame, then, the vendee has a right to recover double of the amount of earnest money. It was also stipulated that the registration of

the sale deed could be done through the orders of the competent court.

Petitioner has been in custody since 28.1.2015. Chalan having been filed, charges were framed on 12.3.2015.

Counsel appearing for the petitioner has brought to the notice of this Court an order passed by this Court in a petition filed under section 482 Cr.P.C seeking quashing of the F.I.R in question preferred by the co-accused Sukhwinder Singh i.e. CRM No. M-8878 of 2015, whereby notice of motion has been issued and the Trial Court proceedings have been stayed.

Under such circumstances and keeping in view the length of incarceration already suffered by the petitioner, which is almost 14 months as of date, he is held entitled to the benefit of bail. Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, S.B.S. Nagar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.02.2016
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