

Sr. No.222

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-3824 of 2017 (O&M)

Date of Decision: 13.02.2017

Harjinder Singh @ Rajinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Ramneek Vasudeva, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.140 dated 15.07.2015, under Sections 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station City Rupnagar, District Rupnagar.

FIR came to be registered on the statement of Sanjay Sethi with the allegations that the present petitioner in connivance with Balwinder Singh and Des Raj have duped him of a sum of Rs.7 lacs which was taken at the time of entering into an agreement to sell of a chunk of land by claiming the ownership of such land to be with Channan Mal and Shiv Kumar. The total sale consideration was stated to be of Rs.27 lacs.

Precise allegation is that the sale deed was not executed and subsequently the complainant became aware that Channan Mal had already expired much prior to the date of the agreement to sell.

The present petitioner was arrested on 01.12.2016.

As per prosecution, he is sought to be implicated on the basis

Investigation in the case is complete and the challan already stands presented. The trial is at the very initial stage.

Counsel appearing for the petitioner has adverted to the alleged agreement to sell placed on record at Annexure P-2 and submits that the veracity of such agreement to sell is itself doubtful. In this regard, it is contended that the purchaser (complainant herein) and who had allegedly parted with a sum of Rs.7 lacs as earnest money against the total sale consideration amount of Rs.27 lacs would certainly insist upon the target date for registration of sale deed. In the agreement to sell, there is no such stipulation. Further contended that against an agreement to sell dated 11.05.2012, no civil proceedings have been initiated till date and the complaint which led to the registration of the present FIR was made only in August, 2014.

Court has been apprised that co-accused Balwinder Singh who was also an attesting witness to the agreement to sell as also Des Raj have been granted bail.

Without making any observations on merits and in view of the discussion above, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Rupnagar.

Disposed of.

13.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No