

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

CRM-M No.34626 of 2018

Date of decision: 20th November, 2018

Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Sanjeev Manrai, Senior Advocate with
Mr. S.P. Garg, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. Dy. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Gurwinder Singh in this first regular bail application filed under Section 439 Cr.P.C. in case FIR No.27 dated 30.01.2016 registered at Police Station City Kharar under Sections 419, 420, 465, 467, 468, 471, 474, 120-B IPC, are that co-accused of the present petitioner, namely Sukhdev Singh, Mohinder Pal Lambardar, Varinder Bahadur and Rajinder Singh alias Guddu had played fraud with the complainant Havaladar Joginder Pal for enabling him to purchase a plot of land at Kharar and on that pretext has duped the complainant of a sum of Rs.11.60 lacs.

Learned State counsel on instructions from HC Prem Chand Police Station City Kharar, submits that as per the allegations petitioner was never named in the FIR and has been instrumental in getting a compromise effected between the complainant and the accused side and

to the same effect are the arguments put forth by learned counsel for the petitioner Mr. Sanjeev Manrai, Senior Advocate assisted by Mr. S.P. Garg, Advocate.

Appreciating the submissions, it is the own conceded stand of the State that the petitioner Gurwinder Singh is not named in the FIR and no role is attributed to him in commission of the offence. The only role played by the petitioner, as submitted by learned State counsel, is that he was instrumental in effecting a compromise between the accused side and the complainant, and therefore, question of his culpability is a debatable issue. The petitioner is behind bars since almost seven months and culpability, if any, shall be determined at the trial, which is not likely to be concluded in the near future. In view thereof, this Court is of the opinion that no useful purpose will be served by further detention of the petitioner in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, SAS Nagar Mohali. However, anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 20, 2018

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No