

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

**CRM-M No. 35300 of 2018
Date of Decision:-13.12.2018**

Bhagwant Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Deepak Bhardwaj, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Respondent No.2-complainant in person.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.03 dated 28.5.2018, under Sections 406, 420 and 120-B IPC, registered at Police Station Kurali, District SAS Nagar, Mohali, during pendency of the trial.

The petitioner is in custody since the date of arrest i.e. 11.6.2018.

On a complaint given by complainant-respondent No.2 Jasim Ahmed s/o Ajeez Rehman, FIR was registered on the broad allegations that

the petitioner had agreed to sell his plot for a sum of Rs.6,30,000/- on 11.8.2012. It is alleged that a formal agreement to sell was also drawn in the presence of witness namely Gurcharan Singh. It is further alleged that the entire sale consideration of Rs.6,30,000/- was paid to the vendor, however, the sale deed was not executed in favour of the complainant. Two cheques were given towards return to the said amount, had also bounced. On these broad allegations, it is alleged that the petitioner has committed offence punishable under Sections 406, 420 and 120-B IPC.

Learned counsel appearing for the State has apprised the Court that the investigation is complete. Challan in the case has been filed on 07.8.2018 and after framing of charges on 30.8.2018, the trial has commenced.

Learned counsel for the petitioner has contended that the FIR is belated and no proceedings on civil side were carried out by the complainant. It is further contended that his further custody is no more justified.

On the other hand learned State counsel has opposed the bail on the ground that the offence is serious in nature.

Considering the nature of the trial, which is triable by Magistrate and the fact that the trial has commenced and the same is likely to take some time, without commenting anything upon merits of the case and considering the custody and status of the trial, the petitioner, namely, Bhagwant Singh is admitted to regular bail subject to his furnishing the requisite bail bonds and surety bonds to the satisfaction of the concerned

trial Court.

The petition is allowed.

December 13, 2018
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No