

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

**CRM No.M-39083 of 2016
Decided on: 15.01.2018**

Paramjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vishal Sharma, Advocate
for the petitioner.

Mr. Kanisth Ganeriwala, AAG, Punjab.

Mr. K.B. Raheja, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.6 dated 12.01.2016, for offence punishable under Sections 420, 465, 467, 463, 471, 506 and 120-B of the Indian Penal Code (in short 'IPC') registered at Police Station Mamdot, District Ferozepur.

Counsel for the petitioner has submitted that as per the allegations in the FIR one Sardara Singh allegedly executed an agreement to sell dated 27.08.2010 in favour of co-accused Karamjit Singh. It has further come on record that after the death of Sardara Singh on 26.04.2011, Karamjit Singh has filed a civil suit which, at one point of time was decreed by the trial Court and later on, when the complainant Nirmal Kaur, who is widow of Sardara Singh got the present FIR registered and an application was moved for setting-aside the *ex parte* decree and the same has been allowed and the suit is now

pending before the Civil Court and is being contested by the concerned parties.

Counsel for the petitioner has further submitted that the petitioner – Paramjit Singh is neither a beneficiary nor in any manner, he was an instrument in the agreement to sell dated 27.08.2010. It is further argued by counsel for the petitioner that the allegations against the petitioner are only with regard to the fact that he is in possession of the land in dispute.

On the other hand, counsel for the complainant has drawn reference to the order dated 14.03.2017 where the petitioner had sought time to inform the Court if he is ready to hand over the possession of the land in dispute to the complainant. Counsel for the complainant has further referred to the order dated 05.12.2017 where this Court has noticed on the basis of the report of Halqa Patwari dated 19.04.2017 that Karamjit Singh is not in possession of the property and proceedings under Section 145 Cr.P.C. have been initiated.

In reply, counsel for the petitioner has submitted that the petitioner is in judicial custody since 02.08.2016, the investigation is complete, charges have been framed and after recording some evidence, the complainant has moved an application under Section 319 Cr.P.C. It is further submitted that all the offences are triable by the Court of Magistrate and the petitioner is not required or involved in any other case.

Counsel for the State has not disputed the factual assertions but opposed the prayer for bail.

Without commenting anything on merits of the case and

considering the fact that the petitioner is in judicial custody since 02.08.2016 and is not a beneficiary of the agreement to sell and also in view of the fact that the evidence in the trial Court has started and all the offences are triable by the Court of Magistrate and it will take long time in conclusion of the trial, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.01.2018
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No