

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48757-2017 (O&M)
Date of decision: 12.01.2018

Pavittar Pal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Bikramjit Aroua, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.249 dated 11.10.2016 under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Chherretta Amritsar City, District Amritsar.

Learned counsel for the petitioner submits that the petitioner is in judicial lockup since 30.08.2017, investigation is complete and challan has been presented on 28.11.2017 and he is no more required for any further investigation. Counsel for the petitioner further submits that wife of the petitioner Amandeep Kaur/co-accused has been granted the concession of anticipatory bail by the Additional Sessions Judge vide order dated 11.10.2017. It is further submitted that in other FIRs, he is on bail and in one FIR, where the proceedings for declaring him proclaimed offender were pending, he has surrendered before the trial Court and has been granted the regular bail.

Learned State counsel, on instructions from ASI Sarwan Singh, has not disputed the factual position. However, learned counsel appearing for the complainant has opposed the prayer for bail on the ground that an amount of Rs.60 lacs is to be recovered from the petitioner which he has accepted in pursuance to an agreement to sell entered into between the petitioner and the complainant. Counsel for the complainant further submits that at the time when the agreement to sell was executed by the petitioner, he has not disclosed the fact that property was already under mortgage with a bank.

In reply, counsel for the petitioner submits that it is a dispute regarding an agreement to sell, which has been given a colour of criminal case.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 30.08.2017 and also in view of the fact that co-accused has been granted the concession of anticipatory bail by the Additional Sessions Judge; offences are triable by the Court of Magistrate, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaqa Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

12.01.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No