

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

CRM-M-7350-2018 (O&M)

Date of decision: 19.03.2018

Bhajan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Ms. Rahish Pahwa, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. K.S. Chawla, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

CRM-9679-2018:

In view of the averments made in the application and submissions advanced by counsel, prayer made in the application is allowed.

It is directed that Section 201 IPC be added in the head note in the main petition i.e. CRM-M-7350-2018 seeking benefit of regular bail as also in the prayer clause.

Registry is directed to carry out the necessary changes.

Application is disposed of.

Main case:

Petitioner seeks benefit of regular bail pending trial in case FIR No.3 dated 09.01.2018, under Sections 420/120-B/201 IPC, registered at Police Station Machhiwara, District Ludhiana.

Counsel for the parties have been heard at length.

Briefly noticed, allegations are founded on the basis of non-

performance of contractual obligations arising out of two agreements to sell that were stated to have been entered into between the complainant i.e. Mangaljit Singh and Sikander Singh as also Kikar Singh.

The present petitioner is sought to be implicated on the basis that he is the father of Gurbachan Singh (co-accused) and who was an attesting witness to one of the agreements to sell.

It is the case of the complainant that a total sum of Rs.7 lakhs was entrusted to co-accused, Sikander Singh/Kikar Singh towards earnest money pertaining to two agreements to sell and that apart, a further sum of Rs.2.50 lakhs was also allegedly advanced to accused, Sikander Singh by mother of the complainant on behalf of the complainant.

Case of the prosecution is that present petitioner is also involved in the conspiracy inasmuch subsequent in point of time an agreement had been entered into between co-accused Sikander Singh and the present petitioner pertaining to the same very parcel of land.

Investigation in the case is complete and challan has been presented on 03.03.2018.

Charges are yet to be framed. Trial, as such, would take time to conclude.

During the course of arguments, it has gone uncontroverted that co-accused, Sikander Singh and to whom there had been alleged entrustment of the earnest money had been granted ad interim protection subject to his joining investigation vide order dated 09.02.2018 passed by this Court in CRM-M-5705-2018.

It is also the conceded position of fact that the complainant has already taken resort to his civil remedy in having instituted a suit for

specific performance, permanent injunction and in the alternate, for recovery, based upon the agreement to sell in question.

Offences are triable by the Court of Magistrate.

The role, if any, of the present petitioner against the backdrop of the allegations would be an aspect to be considered by the trial Court.

In the considered view of this Court, no useful purpose would be served by keeping the petitioner in custody till the culmination of the trial.

Petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of trial Court/Duty Magistrate, concerned.

It is clarified that observations made by this Court in this order are confined only as regards considering the prayer of the petitioner for grant of regular bail and would have no bearing on the merit of the case.

Disposed of.

19.03.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |