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

CRM-M-8331-2019

Date of decision-06.09.2019

Karnail Singh and another

....Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Riffi Birla, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Ashwani.

Mr. Kulbhushan Soi, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioners-Karnail Singh and Balwinder Singh have prayed for grant of regular bail in case FIR No.254 dated 20.11.2018 registered under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Sadar, District Ferozepur. The petitioner is in custody since his arrest on 06.02.2019.

The above said FIR relates to the alleged offence of cheating which was lodged on the basis of statement given by Jagir Singh who had entered into an agreement to sell with Karnail Singh (petitioner No.1) on 10.04.2016. The said deal between the parties was facilitated through co-accused, namely, Balwinder Singh (petitioner No.2, who is son of Karnail

Singh). Pursuant to the said deal, a sum of Rs.84 lacs in all was allegedly paid by complainant and out of it Rs.32 lacs went to the account of Karnail Singh and rest of the amount was given to other co-accused persons. On these broad allegation, the above FIR was registered.

Learned counsel for the petitioner contends that it was one Desa Singh who impersonated as Karnail Singh and had appeared at the time of alleged agreement and the amount was received by him from complainant, Jagir Singh. He further submits that petitioner No.2 has been indicted on the ground that the amount was withdrawn by the said accused from the account of his father. He submits that the investigation of the case is complete and the offences are triable by Magistrate, therefore, further custody may not be justified.

On the other hand, learned State counsel assisted by ASI Ashwani and learned counsel appearing on behalf of complainant opposed the bail application. During the course of argument, the agreement to sell has been produced before this Court. Learned counsel for the complainant contends that the photograph on the agreement to sell is of Desa Singh who had impersonated as Karnail Singh. This fact is not disputed by learned State counsel. It is not disputed that the amount in question was paid to Desa Singh who had further got it deposited in account of Karnail Singh. He submits that there is no civil suit pending between the parties. It is further apprised by learned State counsel that challan against the petitioner was filed on 21.01.2019. Till date charges have not been framed.

Considering the above background, custody period of the

petitioners who are in custody since their arrest on 22.11.2018 and the fact that the trial of the case is likely to consume considerable time, this Court does not find any valid reason to detain the petitioners any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Ferozepur.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

06.09.2019

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No