

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

**CRM-M-19431-2019
Date of decision: 06.05.2019**

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kuljit Singh Bal, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 16 dated 08.02.2018, registered under Sections 436, 379, 427, 506, 148 and 149 of the IPC and Section 3 of the SC/ST Act at Police Station Ajnala, District Amritsar (Rural).

Learned counsel for the petitioner submits as per the allegations in the FIR, the petitioner had entered into an agreement to sell with the complainant, his brother and sons for ₹21,18,000/- and the petitioner had given ₹2,00,000/- to them on the basis of the agreement for which the possession of the land was transferred. It is further stated in the FIR that the land in dispute is in fact in the ownership of the Punjab Government and the petitioner has acquired possession and the complainant intended to transfer the possessory rights in favour of the petitioner. It is further stated in the FIR that on 08.02.2018, the petitioner

along with many other persons came to the *Dera* of the complainant and with the purpose of taking the possession, has caused damage to their property, however, no injury was caused to any person.

Learned counsel for the petitioner further submits that in fact there was an agreement to sell dated 29.11.2017 which was executed by the complainant's side in favour of the petitioner on receiving an amount of ₹14,25,000/- and this is the only agreement to sell between the parties.

Learned counsel for the petitioner further submits that in this agreement, the details of the amount as well as the ownership of the Punjab Government is mentioned and the complainant, vide earlier agreement dated 18.09.2010, has obtained possessory rights from one Balkar Singh and has transferred the same to petitioner's side.

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 19.03.2019 and he is not involved in any other case and it is a totally civil dispute based on an agreement to sell.

Learned State counsel, on instructions from ASI Sukhwinder Singh and on the basis of the custody certificate filed today in Court, could not dispute the factual position, however, submitted that during investigation, the police has added Section 201 IPC.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties and also in view of the fact that petitioner is no more required for any custodial investigation, the instant petition is allowed. The petitioner is ordered to

be released on regular bail in aforesaid FIR including newly added Section 201 IPC, on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

06.05.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No