

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26279-2019
Date of decision: 26.06.2019

Baj Singh @ Balraj Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Bal, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.16 of 2018 dated 08.02.2018 under Sections 436, 379, 427, 506, 148, 149 IPC and Section 3 of SC&ST Act, registered at Police Station Ajnala, District Amritsar Rural.

Learned counsel for the petitioner relies upon the order dated 06.05.2019, vide which regular bail was granted to co-accused Balwinder Singh. The operative part of the order reads as under: -

“....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 Rs.21,18,000/- and the petitioner had given Rs.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 Rs.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.”

Learned counsel for the petitioner submits that the allegations against the petitioner are identical in nature and the petitioner is in custody since 28.04.2019 and is not involved in any other case.

Learned State counsel, on instructions from ASI Baljit Singh and on the basis of custody certificate dated 10.06.2019, has not disputed the factual position.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on regular bail in the aforesaid FIR including the newly added Section 201 IPC, subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.06.2019
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No