

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40284-2019 (O&M)
Date of decision: 26.09.2019

Kashmir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pritam Singh Saini, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Varinder Basa, Advocate for
Mr. Karanjit Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.80 dated 13.08.2019 under Sections 420, 465, 466, 467, 471, 120-B IPC, registered at Police Station Ramdas, District Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Varinderjit Kaur, she entered into an agreement to purchase the land from Smt. Piar Kaur, mother of the petitioner, on 26.10.2018, for a total sum of Rs.65.00 lacs. It is further stated that there are two agreements executed in this regard and vide agreement dated 24.02.2016, the complainant paid an amount of Rs.10.00 lacs and by subsequent agreement dated 26.10.2018, she paid another amount of Rs.8.20 lacs. It is also stated in

the FIR that it has come to notice of the complainant that in fact, the land belongs to Forest Department and Piar Kaur has committed a fraud with her.

Learned counsel for the petitioner further submits that during the investigation, it has come that in the year 2006, two co-accused namely Jasbir Singh and Sarabjit Singh, in conspiracy with Halqa Patwari, got the land transferred in their name and a mutation was also sanctioned. Thereafter, they sold this land to Gurcharan Kaur and Rajbir Kaur. From them, mother of the petitioner Smt. Piar Kaur has purchased the land on 23.06.2011, by paying the total sale consideration of Rs.27.00 lacs. It is further submitted that the petitioner is only a signatory to the agreement and without prejudice to his rights, he is ready to deposit a sum of Rs.5.00 lacs with the Illaqa Magistrate, to be kept in an FDR subject to final outcome of the case. It is also submitted that the petitioner is in custody for the last 01 month and 10 days and is no more required for further custodial interrogation.

Learned State counsel, assisted by learned counsel for the complainant and on instructions from ASI Jagjit Singh, has not disputed the fact that during the investigation, it was found that the land, in fact, belongs to the Forest Department of State of Punjab and co-accused Jasbir Singh and Sarabjit Singh, in conspiracy with the then Halqa Patwari (who has now committed suicide) got the same illegally transferred in their name, by getting a mutation sanctioned on 28.07.2006.

After hearing learned counsel for the parties and without commenting anything on merits of the case, considering the fact that custodial interrogation of the petitioner is no more required and he is ready to deposit an amount of Rs.5.00 lacs with the Illaqa Magistrate/trial Court, this petition is

allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

It is further directed that the petitioner will deposit an amount of Rs.5.00 lacs with the Illaq Magistrate/trial Court on or before 30.10.2019, which will be kept in an FDR subject to final outcome of the case. However, it is made clear that in case the petitioner failed to deposit the aforesaid amount within the stipulated time, it will be open for the prosecution to move an application for cancellation of bail.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.09.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No