

218

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

**CRM-M-40678-2019  
Date of decision-05.12.2019**

**Jaspal Singh**

**....Petitioner**

**Vs.**

**State of Haryana**

**...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. R.D.Sharma, Advocate for the complainant.

\*\*\*

**MANOJ BAJAJ, J.**

Petitioner-Jaspal Singh has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.151 dated 09.10.2018 registered under Sections 406, 420, 464, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Dhand, District Kaithal. The petitioner is in custody since his arrest on 24.07.2019.

The FIR was registered on the statement of Mukesh wife of Balbir Singh wherein it was alleged that she agreed to purchase land measuring 40 kanal 07 marlas comprised in khewat No.225 for a sale consideration of Rs.1,33,65,937/- from accused Jaspal Singh, Harbhajan Kaur and Navjot Singh and paid Rs.50 lacs as earnest money to them vide agreement dated 12.01.2018. Sale deed was to be executed on or before

01.05.2018. On 10.02.2018, complainant gave Rs.6 lacs in cash and Rs.9 lacs through cheque and on 26.04.2018 she again gave Rs.35 lac to Jaspal Singh (petitioner), Harbhajan Kaur and Navjot Singh. On 15.05.2018, no one was present in the office of Sub Registrar Dhand when the sale deed was to be executed in favour of the complainant. On that day she came to know that there was no entry regarding loan and for the year 2012-13 and 2017-18, Jaspal Singh and Harbhajan Kaur mortgaged their land with the banks and obtained loan. On these broad allegations, FIR was registered.

Learned counsel for the petitioner refers to the order dated 13.09.2019 passed by this Court in respect of co-accused, whereby concession of interim pre-arrest bail has been extended. According to him, the offences are triable by Magistrate. He submits that the trial is likely to consume some time as challan in the present case has been filed on 19.10.2019 but charges are yet to be framed, therefore, further custody of the petitioner is not justified.

On the other hand, learned counsel for the complainant and learned State counsel assisted by SI Sukhbir opposed the prayer. However, it is not disputed that co-accused, namely, Amarjot Singh has already been extended the concession of interim pre-arrest bail.

After hearing learned counsel for the parties, this Court is of the opinion that offences are triable by Magistrate and trial of the case is likely to consume considerable time, therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released

on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)  
JUDGE

05.12.2019

vanita

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