

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-41033 of 2019
Date of Decision: 13.12.2019

Uttam Singh and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.S. Sullar, Advocate
for the petitioners.

Mr. Amitoj Singh Dhaliwal, DAG, Punjab

Mr. Harpinder Singh Jalal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.72 dated 06.06.2019 registered for offences punishable under Sections 406, 420 and 120-B of Indian Penal Code (for short, "IPC") at Police Station Mataur, District SAS Nagar (Mohali).

Heard.

Learned State counsel submits that the complainant, who is retired PCS Officer, entered into an agreement to purchase land of Randhir Singh through one Satnam Singh, a property dealer. At the time of deal between complainant and Randhir Singh, it was presented to him that there is one Jasbir Singh, who intends to purchase that land at higher rates as his land had been acquired. The complainant paid ₹55 lakhs as earnest money to Randhir Singh. Later on complainant found that land of Jasbir Singh has

not been acquired and he never intended to purchase any land. However, he

(Jasbir Singh) was made to enter into an oral agreement with petitioner to purchase his land. Thereafter, the agreement to sell the land of Randhir Singh was got executed between complainant and Harbans Singh, but that deal also did not mature. In fact it was a ploy of Randhir Singh, Jasbir Singh, Harbans Singh, Satnam Singh and present petitioners, who made the complainant to pay ₹55 lakhs to Randhir Singh as earnest money in the deal for purchase of his land with the allurement that the land so purchased will be sold at higher rates. It also transpired during investigation that earnest money of ₹5 lakhs paid by Jasbir Singh to complainant was out of the amount of ₹55 lakhs paid by complainant to Randhir Singh. The agreement between complainant and Harbans Singh was oral.

Learned counsel for petitioners submits that petitioners are witnesses to the deal between complainant and Harbans Singh. There was written agreement between complainant and Randhir Singh, who is still ready to sell his land as per terms of the agreement. It is the complainant, who is backing out as prices of the land have come down due to recession in the market.

Petitioners were arrested on 19.06.2019. After completion of investigation challan against them has already been presented in Court. The entire prosecution story is based partly on documentary evidence and partly on oral evidence. Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioners, namely, Uttam Singh and Jagtar Singh are ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of their absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- (c) They shall not leave the country without the previous permission of the Court.

December 13, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No