

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2960-2020 (O&M)

Date of decision: 15.10.2020

Bhinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. H.P.S. Ghuman, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. R.K. Jaswal, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.0099 dated 22.10.2018 under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Bhadson, Tehsil Nabha, District Patiala.

Learned counsel for the petitioner submits that as per allegations in the FIR, complainant Kuldeep Singh Cheema entered into an agreement to sell with Jang Singh and has paid Rs.3.00 lacs as earnest money, however, later on, the sale deed could not be executed, as Jang Singh has sold the property to 3rd person. It is further submitted that the petitioner is in custody for the last about 13 months and he is only a property dealer. It is also submitted that in an another deal with Gurpreet Kaur and others, an amount of Rs.30.00 lacs has been returned and in instant agreement the allegation is that Rs.3.00 lacs were paid to Jang Singh and a loan amount of Rs.1.00 lac was given to the petitioner

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in lieu of which the petitioner has given two cheques for Rs.22.00 lacs each and a cheque of Rs.1.00 lac. Since the cheques were dishonoured, the complainant side has already filed a complaint under Section 138 of Negotiable Instruments Act.

Learned State counsel, assisted by learned counsel for the complainant, has filed the custody certificate and as per the custody certificate, the petitioner is involved in some other cases, however, it is not disputed that as per the settlement regarding the agreement to sell in favour of Gurpreet Kaur, an amount of Rs.30.00 lacs stands returned. Learned State counsel has, however, opposed the prayer for bail on the ground that the petitioner is the main person, who was an instrument in execution of two agreements to sell.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in long custody about 13 months; the trial, which is a magisterial trial, is yet to commence, therefore, it will take long time in recording of the prosecution evidence, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

15.10.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No