

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

CRM-M-11960-2020 (O&M)

Date of decision: 27.05.2020

Surender Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. Gautam Kailey, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana  
assisted by SI Manbir Singh.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Surender Singh, an accused in FIR No.0107 dated 17.04.2020, for offences under Sections 406, 420 and 120-B IPC, registered with Police Station Civil Line, Kaithal, District Kaithal.

Briefly stated facts of the case, as per prosecution story, are that complainant Shishan son of Bahadur Singh, resident of Street No.3, Peoda Road, Kaithal, District Kaithal reported the matter to the police forming the basis for registration of formal FIR, wherein he stated that he has been running a dhaba at Titram turn; that accused Randhir Singh, Dalbir Singh, Jagbir Singh and Surender, residents of Kaithal used to come to his dhaba for taking meals etc. The complainant developed good

relations with them; on a representation being made by accused Randhir Singh and Jagbir Singh that they could get a plot at cheap rate for the complainant, the complainant was taken in by said representation and on 20.04.2017, he purchased Plot No.9, having area of 63.50 sq. yards, situated at Kaithal from accused Randhir Singh for Rs. 8 lacs. The amount was paid to Randhir Singh, Dalbir Singh and Jagbir Singh at his shop and at that time, Amarjit son of Karan Singh of Village Titram was also present. A formal agreement to sell was scribed in that regard. On 22.09.2019, when the complainant went to his said plot for raising construction, then Dalbir Singh and Jagbir Singh claimed ownership of the plot and threatened the complainant that in case, he entered the plot then they would kill him. The complainant informed the police; police asked both the parties to compromise, however, the compromise could not mature. Thereafter, the complainant pressed the matter before the police and formal FIR was registered.

Apprehending their arrest, accused Dalbir Singh, Jagbir Singh and Surender Singh had approached the Court of Sessions, seeking grant of pre-arrest bail but that bail application was dismissed by Addl. Sessions Judge, Kaithal, vide order dated 22.04.2020. Therefore, accused Surender Singh has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Admittedly, the petitioner is neither a party to the agreement to sell nor an attesting witness. He is certainly not beneficiary under the

agreement. There are no specific allegations against him in the FIR, which may constitute a criminal offence or showing his involvement as a co-conspirator with the main accused. He seems to have been named by the complainant being brother of main accused Dalbir Singh. The petitioner is said to have joined the investigation in terms of the order passed by this Court on 29.04.2020. Under the circumstances, the custodial interrogation of the petitioner is not found out to be necessary as no recovery is required to be effected from him. Therefore, the petition calls for acceptance; the same is allowed. It is directed that in case of his arrest in this case, he be released on bail by the Arresting Officer/Investigating Officer subject to the following conditions:-

- 1.That the petitioner shall make himself available for interrogation by a police officer as and when required;
- 2.That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- 3.That he shall not leave India without prior permission of the Court.
- 4.He shall surrender his passport before the Investigating Officer and if he is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violate any terms & conditions, on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition stands allowed accordingly.

27.05.2020

*sumit.k*

**(H.S. MADAAN)**  
**JUDGE**

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