

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

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**203 - CRM-M-25454-2020 (O&M)**

**Date of Decision: 30.10.2020**

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Sahib Singh

... Petitioner

VS.

State of Punjab

... Respondent

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**CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI**

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Present: Mr. JS Khiva, Advocate for the petitioner

Mr. HS Sitta, AAG Punjab

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**GIRISH AGNIHOTRI, J. (Oral)**

The matter has been taken up through video conferencing on account of lockdown due to outbreak of COVID-19 pandemic.

The petitioner Sahib Singh who is stated to be aged 30 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.25 dated 28.02.2020 under Sections 406/420/465/467/468/471/120-B IPC registered at PS Samana, District Patiala.

Learned counsel for the petitioner based upon the pleadings submits that as per the averments made in the FIR, on 06.07.2018 the complainant allegedly entered into an agreement to sell of land measuring 23K 11M situated at village Asmanpur with Kabul Singh s/o Tarsem Singh r/o Shadipur @ Rs.17,10,000/- per acre. Learned counsel for the petitioner submits that the said agreement was cancelled. He then submits that Rs.25 lakhs was paid to Sahib Singh (petitioner) on 28.11.2018. On 26.02.2019 the petitioner executed new agreement of his own land measuring 23K 11M at village Asmanpur with Subeg Singh. He then submits that there is an

petitioner from Subeg Singh. He submits that it was specifically mentioned in the new agreement to sell that there is a stay from the Court from selling the land.

Learned State counsel, on instructions from ASI Raj Kumar submits that the investigation in the present case is complete; challan was presented on 25.04.2020 and there are a total of 15 witnesses but none have been examined yet. He submits that as it appears from the allegations in the FIR that the petitioner has neither returned Rs.43 lakhs nor has shown any inclination to get the sale deed registered in the name of the complainant.

Faced with this, learned counsel submits that in order to show his *bona fide*, the petitioner and his family members have submitted that since they have been behind the bars they could not take any steps to show their *bona fides*. Counsel submits that the petitioner after his release on bail undertakes to apply for vacation of stay before the concerned competent authority. He submits that the said stay by the Court is in his case and he is ready to apply for vacation of stay. He further submits that the petitioner is ready to execute the sale deed and shall execute the same as and when told by the complainant maximum within one month from the date of vacation of stay by the Civil Court.

Counsel then submits that due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also keeping in view the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court

deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

In view of the peculiar circumstances as noticed above, in addition to bail bonds/additional surety, which the trial Court may further require the petitioner to furnish as it deems appropriate, in pursuance to the offer made by counsel for the petitioner, the petitioner would give an undertaking that the petitioner after his release on bail would apply for vacation of stay before the concerned competent authority. He would state that the said stay by the Court is in his case and he is ready to apply for vacation of stay. He would further state that the petitioner is ready to execute the sale deed and shall execute the same as and when told by the complainant, maximum within one month from the date of vacation of stay by the Civil Court.

However, it is made clear that anything observed herein shall not be construed to be an expression on merits of the case.

Disposed of.

**30.10.2020**

*vishal shonkar*

**(Girish Agnihotri)  
Judge**

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

**Yes/No**  
**Yes/No**