

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

**CRM-M-40038-2020
Date of decision: 07.12.2020**

Salinder Singh @ Surender Singh @ Billa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravinder Bangar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 117 dated 02.08.2020, registered under Sections 406, 420 and 506 of the IPC (Section 120-B added later on) at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner submits as per the allegations in the FIR, co-accused Karamjeet Kaur entered into an agreement to sell on 14.05.2019 for sale of agricultural land in favour of the complainant and received an amount of Rs. 21 Lakh as earnest money in few installments. The stipulated date for execution of sale deed was also extended by receiving the earnest money in installments. Later on, the complainant was informed by Karamjeet Kaur that Deputy Commissioner has granted stay over the land and she cannot execute the sale deed. It is further stated in FIR that complainant, thereafter, came to know that Karamjeet Kaur has already entered into a previous agreement to sell with one Sachin Kumar on

12.03.2017, who has also filed a suit for specific performance of said agreement to sell. Thus, the complainant was cheated of Rs. 21 Lakh by co-accused Karamjeet Kaur.

Learned counsel for the petitioner further submits that the allegation against the petitioner is that he is a witness to the said agreement to sell, however, there is no such allegation that he has identified any wrong person.

Learned counsel further submits that petitioner is not the beneficiary of the said agreement to sell; he is in judicial custody since 22.09.2020 and his custodial interrogation is no more required.

Learned State counsel has not disputed the factual position, however, submitted that after the anticipatory bail application of co-accused Karamjeet Kaur was dismissed by this Court, vide order dated 25.09.2020 passed in CRM-M-29676-2020, she could not be arrested so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the only allegation against the petitioner is that he is a witness to said agreement to sell and he is in judicial custody since 22.09.2020; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

07.12.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No