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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6464 of 2021 (O&M)

Decided on: 17.02.2021

Sandeep

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naveen Siwach, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.117 dated 02.08.2020, for offence punishable under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadhaura, District Yamuna Nagar.

Counsel for the petitioner has relied upon the order dated 07.12.2020 passed in CRM-M No.40038 of 2020, vide which the co-accused of the petitioner namely Salinder Singh @ Surender Singh @ Billa has been granted the concession of regular bail, by passing the following order:-

“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

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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.”

Counsel for the petitioner has further submitted that even the petitioner is not a beneficiary of the alleged agreement to sell and there is no allegation in the FIR that the petitioner has received any amount.

Counsel for the petitioner has also submitted that it will take long time in conclusion of the trial and the petitioner is not

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involved in any other case.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is further submitted that the petitioner is the brother of the main accused Karamjeet Kaur and recovery of Rs.2500/- has been effected from the petitioner.

Be whatsoever, without commenting anything on merits of the case, considering the fact that the co-accused of the petitioner has already been granted the concession of regular bail; the petitioner is in custody for the last 04 months and 10 days; he is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.02.2021

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No