

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7325-2021 (O&M)
Date of Decision:-22.2.2021

Sham Singh	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jasvir Singh Dhaliwal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Bhupinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. Today, at the very outset, learned counsel for the petitioner has pointed out that there is a typographical mistake at page No.3 of the petition, wherein the provisions of Cr.P.C. has been mentioned incorrectly as '438' instead of '439'. Reader of this Court is directed to make necessary correction accordingly at page No.3 of the petition under his signatures. Office is directed to incorporate the correct particulars in the record i.e. in the relevant registers, CIS software etc.
2. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.309 dated 29.12.2020 at Police Station Sardulgarh, District Mansa under Sections 420 and 120-B of Indian Penal Code.
3. The FIR was lodged at the instance of Jagdev Singh, wherein it is alleged that he is owner and has possession of tractor bearing registration No.PB-31-

U-7067, which had been sold to him by Resham Singh, who had executed an affidavit in his favour. It is alleged that the said tractor is, however, financed and the loan is still outstanding and the said loan was infact raised in the name of Sham Singh, relative of Resham Singh, who had executed the affidavit in his favour and had sold the tractor to the complainant with mutual agreement. It is alleged that a balance amount of ₹55,000/- is yet to be paid to Resham Singh and the said amount was to be paid after clearance of the loan. It is further alleged that Resham Singh, however, did not furnish any loan clearance certificate and now he has come to know that the said persons had sold the tractor to him with an intention to cheat him as the loan was still outstanding.

4. Learned counsel for the petitioner has submitted that he had never executed any affidavit for sale of the tractor and that at best it is Resham Singh, who can be held responsible for the alleged fraud.
5. Opposing the petition, learned State counsel has submitted that since Resham Singh, who had executed the affidavit, is none else but a relative of Sham Singh and that both of them have connived together to defraud the complainant and had sold the tractor without clearing the loan in question. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1 1/2 months and that the petitioner is not involved in any other case.
6. Having regard to the facts and circumstances of the case and that there is no direct evidence at this stage with the police to show that the petitioner has also connived in sale of the tractor, the petition is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.2.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No