

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

228

CRM-M-12053-2021

Date of Decision: 19.08.2021

Manjinder Singh @ Manna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Tarun Sharma, Advocate,
for the petitioner.

Mr. Ramdeep Partap, DAG, Punjab,
assisted by ASI Resham Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.017 dated 27.01.2018 at Police Station Zira, District Ferozepur, under Sections 420/120-B IPC.
2. The FIR was lodged at the instance of Jagtar Singh, wherein it is alleged that Manjinder Singh (petitioner) had entered into an agreement to sell in respect of land measuring 7 kanals 14 marlas situated in Tehsil Zira, District Ferozpour for 02.08.2012 for an amount of Rs.30 Lakhs and out of which he received an amount of Rs.20 Lakhs from the complainant. It is alleged that the remaining amount was to be paid at the time of execution of the sale deed. It is further stated therein that the accused has represented that the

sale deed would be executed after disposal of a court case, which was stated to be pending. It is further alleged therein that although the civil suit came to be decided, but the petitioner instead of executing the sale deed in favour of the complainant from whom he had taken hefty amount, transferred the land in favour of his son Pardeep Singh.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the agreement dated 02.08.2012 (Annexure P-2) would show that the last date nominated for execution of the sale deed was 15.06.2013 and that there is no such reference to execution of the sale deed after the decision of any pending civil case. Learned counsel has further submitted that even if it is taken that there was any oral understanding amongst the parties regarding execution of the sale deed after the decision of the civil suit, still it is evident from the fact that the complainant never made any such effort for the same inasmuch as the civil suit came to be decided on 02.09.2013 and the complainant cannot feign ignorance about the outcome of the said civil suit, as he himself had appeared as PW-5 in the said civil suit. It has been submitted that the land was thereafter transferred by the petitioner after about 3 years i.e. on 12.05.2016 in favour of his son and in these circumstances, it cannot be said that the petitioner had any intention to cheat the complainant or that he did not abide by the terms of the agreement. It has further been

submitted that the complainant never choose to file any civil suit till date.

4. Opposing the petition, learned State counsel has submitted that since there are specific and categorical allegations that the petitioner had taken an amount of Rs.20 Lakhs at the time of executing the agreement to sell of land, but has subsequently transferred land in favour of his own son, his complicity is clearly evident, as there was no necessity for the petitioner to transfer the land in favour of his son. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 7 months and that he is not involved in any other case and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it would certainly be debatable as to whether it is a case where the petitioner had an intention to cheat the complainant right from the very inception or as to whether it is a case of civil liability only. In any case, the petitioner has been behind bars for a substantial period of more than 7 months and challan already stands presented and the petitioner is not even stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, 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.

7. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

19.08.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**