

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43022-2020 (O&M)
Date of decision: 22.02.2021

Nayab Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Gulati, 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 in FIR No.117 dated 02.08.2020 under Sections 420, 406, 506, 120-B IPC, registered at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner relies upon the order dated 17.02.2021 passed in CRM-M-6464-2021, vide which co-accused Sandeep has been granted the concession of regular bail. The operative part of the order reads as under: -

“...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 @ Surrender

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 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...”

Learned counsel for the petitioner submits that even the petitioner is not beneficiary of the agreement to sell and he is in custody for the last about 04 months and is on bail in other cases.

Learned State counsel has filed the custody certificate dated 20.02.2021 in the Court today and has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

22.02.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No