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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.50782 of 2021 (O&M)
Decided on: 10.12.2021

Pawan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

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.0109 dated 24.07.2020, for offence punishable under Sections 420, 465, 467, 468, 471 of the Indian Penal Code (in short 'IPC') registered at Police Station Tibber, District Gurdaspur.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of one Jaswant Singh, the petitioner entered into an agreement to sell and received Rs.5.00 lacs as earnest money and again Rs.1.50 lacs on 27.07.2019 for extending the date. It is further allegations in the FIR that the stipulated date was 27.08.2019 and the present FIR was registered after a gap of 02 years with the allegation that the petitioner has not executed the sale deed. It is also submitted that on the face of it, the dispute is of civil

nature arising out of an agreement to sell.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. Counsel for the State has, however, submitted that during the investigation, it has come that the petitioner has also executed similar arguments with other persons and he was arrested on an earlier occasion.

In reply, counsel for the petitioner has submitted that the complainant in both the cases are close relatives and he has been falsely implicated in the case. It is also submitted that challan stands presented and the offences are triable by the Court of Magistrate.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more than 03 months; challan stands presented; the offences are triable by the Court of Magistrate and conclusion of the trial is likely to take some time, 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/Illaqa 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

10.12.2021
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No