

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

**CRM-M-580-2022
Date of decision: 24.03.2022**

Satpal Singh @ Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 97 dated 14.12.2020, registered under Sections 420 and 120-B of the IPC at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioner, at the very outset, relies upon order dated 06.01.2022 passed in CRM-M-18830-2021, vide which co-accused Saroj Bala has already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Status report dated 11.07.2021 by way of affidavit of Palwinder Singh Sandhu, PPS, Deputy Superintendent of Police, SubDivision Jalalabad, District Fazilka, already filed on behalf of respondentState, is taken on record.

Learned counsel for the petitioner inter alia contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further submits that allegedly petitioner along with

coaccused committed fraud upon complainant-Manjeet Kaur as well as her husband to facilitate them in purchasing double the land out of sale proceeds of their land and thereby defrauded them to the tune of Rs.35,86,250/-, whereas petitioner has no nexus whatsoever with the alleged offence. He further submits that co-accused Surjeet Singh has already been extended concession of regular bail by Sessions Court, vide order dated 24.12.2021. He further submits that petitioner is languishing in custody since 06.04.2021 and she is no more required by the Police for any investigation purpose as after completion of investigation, final report under Section 173 Cr.P.C. (Challan) has already been presented in Court on 04.06.2021. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and she may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that as per allegations in the FIR, the complainant has sold 06 acres of land, whereas on inquiry, it was found that only 04 acres of land was sold for Rs.35,86,250/-, however, the amount was not paid to the complainant.

Learned counsel further submits that the allegations against the petitioner are identical to that of aforesaid co-accused Saroj Bala, who has been released on regular bail.

Learned State counsel could not dispute the fact that petitioner is in judicial custody since 27.07.2021; the offences are triable by the Court

of a Magistrate; challan stands presented and even charges have been framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody since 27.07.2021; a similarly situated co-accused has already been granted the concession of regular bail; the offences are triable by the Court of a Magistrate and also in view of the fact that conclusion of trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

24.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No