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

**CRM-M-1748-2022
Date of Decision: 06.04.2022**

Jagjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navinderjit S. Dandiwal, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. Hardeep Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.70 dated 02.08.2021, under Sections 420, 422 & 423 of the IPC, registered at Police Station Mallan Wala, District Ferozepur.

It has been submitted by learned counsel for the petitioner that the allegations against the petitioner were that he had sold a land to the complainant without disclosing the existence of a loan from the HDFC Bank. The said land was sold in the year 2016 and thereafter, according to the complainant, in the year 2019, it came to the knowledge of complainant that there was some loan from the HDFC Bank. He further submitted that

the endorsement was already there in the manual record but the same was not incorporated when the record was digitalized and it was not the fault of the petitioner. He also submitted that the petitioner is in custody since 09.10.2021 and after the completion of investigation of the case, the Police has already presented the Challan under Section 173 of the Cr.P.C before the competent Court. He further submitted that the trial of the case would take long time and it is yet to be ascertained during the course of trial as to whether the petitioner has committed any fraud or not and therefore, the petitioner may be considered for the grant of regular bail. He also submitted that the petitioner is also facing two other cases but the same are only under the Excise Act.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the investigation of the case has been completed and the Challan under Section 173 of the Cr.P.C has already been submitted before the competent Court. He further submitted that there is no other case of similar nature pending against the petitioner, however, there are two other cases but the same pertain to the Excise Act.

Mr. Hardeep Singh, Advocate has appeared on behalf of the complainant and has also stated that the petitioner has committed a fraud upon the complainant and he has not disclosed the factum of loan at the time of the sale.

I have heard the learned counsel for the parties.

The investigation of the present case has already been completed and the petitioner is in custody, since 09.10.2021 and it is yet to

be determined at the time of trial as to whether the petitioner has disclosed the factum of loan to the complainant or not. The petitioner is not involved in any other case of similar nature but he is involved in two other cases under the Excise Act and his involvement in two other cases of Excise Act cannot become a ground for denial of bail to the petitioner. The trial of the case may take long time and furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may abscond or flee from justice, therefore, considering the totality of the circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

06.04.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |