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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-11198-2022 in/and
CRM-M-8076-2022 (O&M)
Date of Decision:25.03.2022

Rajesh Jain

.. Applicant/Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate and
Mr. Gaurav Vir Singh Behl, Advocate for applicant-petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Gurminder Singh Phull, Advocate
for the complainant.

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Manoj Bajaj, J. (Oral)
CRM-11198-2022

The instant application is for pre-poning the date of hearing of
the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramdeep Partap Singh, DAG, Punjab,
accepts notice on behalf of the respondent-State and does not oppose the
prayer.

Application is allowed and the date of hearing is pre-poned to
today.

CRM-9869-2022

Application is allowed, subject to all just exceptions.

CRM-M-8076-2022 (O&M)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.49 dated 17.12.2021 registered under Sections 196, 200, 420, 468 and 120-B IPC (Section 467 IPC added later on) at Police Station NRI, District Police Commissionerate Ludhiana, District Ludhiana. The petitioner is in custody since his arrest on 12.01.2022.

The allegations in the FIR made by complainant, Inder Pal Singh Sekhon, as noticed by the ld. Addl. Sessions Judge, Ludhiana in the order dated 02.02.2022 read as under:

“As per version of the prosecution case, the FIR was registered on the basis of the complaint bearing UID No. 1827605 dated 15.07.2020 moved by complainant Inderpal Singh Sekhon, wherein it has been alleged that the complainant is NRI as he is residing in Canada. On 10.02.2006, he purchased land situated at village Lalton Kalan from Bhag Singh and in lieu thereof, an amount of Rs.20,00,000/- was paid by the complainant to Bhag Singh as earnest money. Thereafter, the complainant went to Canada where he came to know that Bhag Singh had entered into agreements to sell with various people qua the same land and he also obtained money from those people, who are harassing Sukhdev Singh son of Bhag Singh for delivering possession of the land. In this regard, the complainant moved a complaint bearing UID No. 1136 872 dated 29.06.2017 against Bhag Singh at NRI Wing, wherein Sukhdev Singh son of Sajjan Singh resident of Village Dharor, Tehsil Sahnewal, District Ludhiana, who is son-in-law of Bhag Singh, had made a statement that the matter has been settled with Joginder Singh and Sikander Singh both residents of Village Ghawadi, Ludhiana and they also assured the complainant that they will execute sale deed in his favour very soon. On their asking, the complainant came to India in the year 2017 and he tried to contact the said persons several times, but they kept on putting the matter of execution of sale deed on one pretext or the other. After that, the complainant came to know that the said persons have connived with Sham Lal and Jain, who are part of land mafia, as well as Joginder Singh and Mandeep Singh

residents of Village Ghawadi, District Ludhiana, Sukhdeep Singh, Gurcharan Singh sons of Dhiraj Singh @ Randhir Singh son of Babu Singh resident of Village Lalton Kalan, Ludhiana. All these persons, in connivance with each other, intentionally are not executing sale deed qua the land purchased by the complainant and they want to misappropriate the amount of earnest money.”

Learned senior counsel has argued that as per complainant Inderpal Singh Sekhon suffered wrongful loss, as the agreement to sell dated 10.02.2006 executed by Bhag Singh (adopted son of Kartar Singh) in his favour was not acted upon by registering the sale deed, despite having received Rs.20 lacs as earnest money. According to him, the complainant has falsely implicated the petitioner through this FIR after a long delay. Learned senior counsel has further argued that in respect of the property in question, a civil suit bearing No.248 dated 09.10.2002 filed by descendant of Kartar Singh, namely, Sikander Singh against Bhag Singh was decreed in favour of the plaintiff on 20.01.2020 with a categorical finding that Bhag Singh could not prove his adoption and in the absence of any Will, the property could not devolve upon him after demise of Bhag Singh. The appeal by Bhag Singh against the said decree also failed, but the RSA bearing No.2342/2008 titled as Bhag Singh Vs. Sikander Singh is pending adjudication before this Court. He submits that on 18.02.2017, Sikander Singh and Joginder Singh executed the agreement to sell in favour of the petitioner and on the strength of the same, he further executed agreement to sell dated 03.07.2017 in favour of Sham Sunder Lal (co-accused) and apparently the dispute raised by the complainant is purely of civil nature and that too with Bhag Singh or his legal representatives, but the complainant never filed any civil suit for specific performance of contract dated

10.02.2006. Learned counsel has drawn the attention of the Court to the order dated 28.02.2022, whereby the co-accused of the petitioner, namely, Sham Sunder Lal, has already been released on regular bail (Annexure-16). He submits that not only the investigation of the case is complete, but the parties have also arrived at a settlement, therefore, further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Jaswant Singh as well as learned counsel for the complainant do not dispute this fact that the co-accused of the petitioner is on bail and investigation of the case is also complete, as the challan has been presented on 28.02.2022.

Learned counsel for the complainant states that indeed the parties have entered into a compromise (Annexure P-14).

After considering the background of the case, this Court finds that the offences are triable by Magistrate and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, as the trial is likely to consume considerable time to conclude. Admittedly, the petitioner is presently confined in judicial custody since 12.01.2022, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

25.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No