

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

CRM-M-23121-2021

Date of Decision: 14.07.2022

Sukhdev

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. H.S.Dhillon, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Kulbir.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.325 dated 24.12.2019 at Police Station Uchana, District Jind under Sections 406/420 IPC (Sections 467/468/471/120-B/506 IPC have been added later on)
2. The FIR was lodged at the instance of Jagdeep Singh, wherein it is alleged that he had entered into an 'agreement to sell' dated 10.09.2018 with Ved Parkash so as to purchase his agricultural land measuring 44 Kanals 6 Marlas and had made payment of Rs.22 lakhs through cheque and another amount of Rs.2 lakhs by cash. It is further alleged that subsequently another payment of Rs.26 lakhs was made by way of cheques and thus, a total amount of Rs.50 lakhs had been paid by the complainant to Ved Parkash, but despite having taken the total sale consideration amount, Ved Parkash did not execute the sale deed in

favour of the complainant and rather executed sale deed in favour of another person, namely, Vakeel Chand.

3. Learned counsel for the petitioner has submitted that even if the allegations as leveled in the FIR are taken to be correct, it would at best be a case of 'civil liability' inasmuch as Ved Parkash is alleged to have not executed sale deed in favour of the complainant after having taken the entire amount. Learned counsel has further submitted that in any case the FIR in question has already been challenged by way of filing CRM-M-5833-2021 and this Court while issuing notice of motion has stayed further proceedings pending before the trial Court vide order dated 09.02.2021.
4. Opposing the petition, learned State counsel has submitted that the complicity of the petitioner would be clearly evident from the fact that he being aware of the fact that 'agreement to sell' for land in question had been executed by Ved Parkash in favour of the complainant, chose to be an attesting witness of the subsequent sale deed executed by Ved Parkash in respect of the same very land in favour of Vakeel Chand. Learned State counsel has, however, informed that challan already stands presented against the petitioner. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner is stated to be only an attesting witness and is not a beneficiary of the alleged transaction and while also noticing that this

Court vide order dated 09.02.2021 has ordered for stay of proceedings pending before the trial Court, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.07.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**