

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22459-2022

DATE OF DECISION: MAY 30, 2022

SUKHDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. RITU PUNJ, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.49 dated 17.12.2021, under Section 196, 200, 420, 468, 120-B IPC (Section 467, 471 IPC added later on), Police Station NRI, Ludhiana, District Ludhiana, who is in custody since his arrest on 23.3.2022.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ludhiana, in the order dated 9.5.2022, are 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.1136872 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 counsel for the petitioner has argued that as per allegations in the FIR, complainant Inderpal Singh Sekhon entered into an agreement to sell with Bhag Singh (adopted son of Kartar Singh) on 10.2.2006 and the sale deed was not executed, but the present case has been

lodged after a long delay. According to the learned counsel, civil litigation between the parties is pending and the co-accused of the petitioner, namely, Rajesh Jain has already been released on bail. She has further pointed out that the parties have also entered into a compromise vide Annexure P-4 and his brother has already been extended the concession of interim pre-arrest bail. She prays for bail.

On the other hand, learned State counsel assisted by ASI Jaswant Singh while opposing the aforesaid prayer has not disputed this fact that the co-accused has already been released on bail and a compromise has also been effected between the parties.

Considering the above background, and the fact that co-accused has already been released on bail and that the offences are triable by Magistrate, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

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 concerned.

The petition is allowed.

May 30, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No