

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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CRM-M-27426-2022

Date of decision: 03.08.2022

JASWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Jagdeep S.Chahal, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 54 dated 12.03.2022 registered at Police Station Sadar Kharar, District SAS Nagar (Mohali) wherein, offences constituted under Sections 420, 406, 120-B of the IPC, are embodied.

2. The victim-complainant alleges that though a validly drawn agreement/contract of sale in respect of the petition land, became executed, inter-se him, and, the present bail petitioner, and, that at the time of drawing of the contract of sale, his paying a sum of Rs. 10 lacs, as earnest money to the victim complainant, but despite repeated requests being made upon the accused for the execution of a registered deed of conveyance, in respect of the land detailed in the contract of sale, the present bail petitioner rather not heeding to his request, rather

an enquiry revealing that the condition carried in the contract of sale, that the land mentioned therein, is free from all encumbrances, rather being found false inasmuch as, it being under litigation, and, thereupon, the victim making an allegation qua his becoming de-frauded, and, also cheated by the present bail petitioner.

3. If so, and also when the above allegations are supported by an affidavit sworn by the Deputy Superintendent of Police, Sub Division, Kharar-I, District S.A.S. Nagar, thereupon, the incrimination drawn against the present bail petitioner is prima facie truthful, but since the learned counsel for the petitioner submits, on instructions given to him, by the petitioner, that he is ready, and, willing to deposit a sum of Rs. 10 lacs in the establishment of the learned trial Judge concerned.

4. In consequence, with the above condition precedent, the present petition is allowed, and, the bail petitioner is admitted to regular bail.

5. The further reason for admitting the present bail petitioner to regular bail, is comprised in the factum, that his judicial custody, has commenced on 07.04.2022, as such, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

6. In addition to the above, the further reason for this Court becoming constrained to admit the present bail petitioner, to regular bail is comprised in the factum that, at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his

fleeing from justice or tampering with prosecution evidence, or influencing the prosecution witnesses.

7. In aftermath, with the above condition precedent, the instant petition is allowed, and, the petitioner-bail-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted.

8. It is also clarified that the disbursement, of the above amounts of money, as, become deposited in the establishment of the learned trial Judge concerned, would be regulated by the outcome of the trial concerned, as may become entered into the petition FIR, by the jurisdictionally empowered Magistrate.

9. It is also clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

03.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*