

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

219

CRM-M-27408-2022

Date of Decision : **September 06, 2022**

TEJINDERPAL SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. B.S.Jatana, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.56 dated 18.3.2021 under Sections 420, 465, 467, 468, 323, 379-B, 447, 120B IPC, registered at Police Station City Samana, District Patiala.

It has been submitted by the the learned counsel for the petitioner that the petitioner is in custody from 29.5.2022 which is more than 3 months. He submitted that as per the allegations one land which fell within the area of *Lal Dora* was allegedly sold by one Gurcharan Singh which according to the complainant belonged to the father of the complainant. He further submitted that the aforesaid Gurcharan Singh and the other co-accused, who were signatory to the agreement to sell have been granted interim anticipatory bail by this Court. He submitted that so far as the present petitioner is concerned, he was only a bonafide

purchaser and he did not have any knowledge with regard to the dispute, if any, of Gurcharan Singh with the complainant and even otherwise also there was a civil litigation between the complainant and the aforesaid Gurcharan Singh from whom the petitioner got the property by way of a agreement to sell and affidavits and he being the bonafide vendee has been falsely implicated in the present case. He further submitted that the petitioner has clean antecedents and is not involved in any other case and, therefore, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is not involved in any other case. He further submitted that it is also correct that the other co-accused, namely, Gurcharan Singh has been granted interim anticipatory bail and the other two persons, who were signatory of the agreement to sell have been granted anticipatory bail by this Court.

I have heard the learned counsels for the parties.

It is a case where the allegations are primarily against one Gurcharan Singh who had a dispute with the complainant and Gurcharan Singh parted away with the property by way of agreement to sell to the petitioner. Therefore, it appears to be a civil dispute between the aforesaid Gurcharan Singh and the complainant. The learned counsel for the petitioner has categorically submitted that he had only got the plot in a bonafide manner. 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 tamper with any evidence or may flee from justice. The petitioner

has also faced incarceration for more than 3 months.

In view of the aforesaid position, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

September 06, 2022
ajay-1

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No