

CRM-M-32271-2022; CRM-M-50238-2022 and -1-
CRM-M-43462-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32271-2022
Date of Decision: 10.11.2022

(I)
Jagtar Singh @ Satnam Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-50238-2022

(II)
Teja Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-43462-2022

(III)
Neeraj Kumar @ Niraj Kumar

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Fariad Singh Virk, Advocate,
for the petitioner in CRM-M-32271-2022.

Mr. D.S. Virk, Advocate,
for the petitioner in CRM-M-50238-2022

Mr. Dharam Pal, Advocate,
for the petitioner in CRM-M-43462-2022.

Mr. Kunal Vinayak, AAG, Punjab.

Mr. J.S. Rana, Advocate for
Mr. Kanwar Raj Singh, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

All the three petitions are taken up together for final disposal with the consent of learned counsel for the parties since the prayer in all the three petitions pertain to the grant of regular bail and they arise out of the same FIR.

Learned counsel for the petitioner Jagtar Singh @ Satnam Singh in CRM-M-32271-2022 has submitted that the petitioner Jagtar Singh @ Satnam Singh is in custody from 25.10.2021, learned counsel for the petitioner Neeraj Kumar @ Niraj Kumar in CRM-M-43462-2022 has submitted that the petitioner Neeraj Kumar @ Niraj Kumar is also in custody from 25.10.2021 and the learned counsel for the petitioner Teja Singh in CRM-M-50238-2022 has submitted that the petitioner Teja Singh is in custody from 08.09.2022. All the learned counsels submitted that the investigation of the case has already been completed and even one official witness has already been examined. They further submitted that it is a case which is triable by Magistrate and the trial of the case may take long time. They have also submitted that the petitioners are not involved in any other case except one of the petitioner namely Teja Singh is facing trial in one FIR pertaining to Section 323 IPC.

Learned counsels jointly submitted that it is a case where an FIR was lodged by alleging that there was an agreement to sell for a total amount of Rs. 47,00,000/- and all the three petitioners are not named in the

FIR and the allegations were that the land did not belong to the proposed seller since the land vested with the Gram Panchayat. They further submitted that the land was earlier vested as a common joint land but thereafter the matter was adjudicated in the Court wherein the land was transferred in the name of Gram Panchayat but the necessary revenue record was not rectified. They further submitted that although all the three petitioners were not named in the FIR but the role attributable to the petitioners was that so far as the petitioner Jagtar Singh @ Satnam Singh is concerned, he had impersonated one Daljit Singh who was earlier co-owner of the property before vesting of the property with the Gram Panchayat and so far as the petitioner Neeraj Kumar @ Niraj Kumar is concerned, he allegedly impersonated one Harcharan Singh who was also a co-owner of the property before vesting of the property with the Gram Panchayat and so far as the petitioner Teja Singh is concerned, the role attributable to him was that he had received an amount of Rs. 3,00,000/- from another co-accused namely Sanjeev Kumar @ Sanjay Kumar against whom the allegations were that he was a property dealer who had received an amount of Rs. 7,00,000/-. Learned counsel appearing on behalf of petitioner Teja Singh has submitted that the aforesaid co-accused Sanjeev Kumar @ Sanjay Kumar had filed a petition for anticipatory bail before this Court in CRM-M-44378-2022 in which he has been granted interim bail particularly on the ground that the matter has since been settled with him and he has already returned Rs. 7,00,000/-. All the learned counsels have further pointed out that another similarly situated co-accused namely Bahadur Singh has been granted regular bail by the learned trial Court and the allegations against him

were also that he had impersonated one Harbaksh Singh who was also a co-owner before vesting of the property with the Gram Panchayat and therefore, the petitioners Jagtar Singh @ Satnam Singh and Neeraj Kumar @ Niraj Kumar are at parity with the aforesaid co-accused Bahadur Singh who has already been extended the benefit of regular bail. The learned counsels have further submitted that be that as it may, the trial has already commenced which is triable by Magistrate and the trial of the case may take long time and therefore, they may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned Assistant Advocate General, Punjab has submitted that the custody of the aforesaid petitioners is correct and it is also correct that the trial has commenced and one official witness has already been examined and the case is triable by Magistrate. He has also stated that it is correct that all the petitioners are having clean antecedents and they are not involved in any other case except one of the petitioner namely Teja Singh is facing trial in one FIR pertaining to Section 323 IPC. The interim anticipatory bail granted to aforesaid Sanjeev Kumar @ Sanjay Kumar and regular bail granted to aforesaid Bahadur Singh is also not denied by learned State counsel. However, the learned State counsel has opposed the grant of bail to the petitioners on the ground that the matter is serious in nature since there was an attempt to sell the property belonging to Gram Panchayat and an agreement to sell was executed in this regard, although the sale was not executed.

I have heard the learned counsel for the parties.

The petitioners namely, Jagtar Singh @ Satnam Singh and Neeraj Kumar @ Niraj Kumar have faced incarceration for more than 1 year

and petitioner Teja Singh has faced incarceration for about 2 months. The trial has already commenced. So far as the petitioner Teja Singh is concerned, the challan has not been presented since he was arrested later on. However, the learned State counsel has stated on instructions from ASI Dalwinder Singh that against him as well, the challan will be presented in due course. Undoubtedly, the present case is triable by Magistrate. The other co-accused namely Bahadur Singh who is stated to be at parity with petitioner Jagtar Singh @ Satnam Singh has already been extended the benefit of regular bail by the learned Magistrate and another co-accused namely Sanjeev Kumar @ Sanjay Kumar has been granted interim anticipatory bail by this Court and so far as the petitioner Teja Singh is concerned, the allegation against him was that he had received an amount of Rs. 3,00,000/- from the aforesaid Sanjeev Kumar @ Sanjay Kumar. It is yet to be ascertained at the time of trial with regard to the allegations of impersonation by the petitioners Jagtar Singh @ Satnam Singh and Neeraj Kumar @ Niraj Kumar and also receiving of amount by the petitioner Teja Singh. The trial of the case may take long time and it is not the case of the State counsel that in case the petitioners are released on bail, then they may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners.

Consequently, all the three petitions are allowed. All the petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of
deciding the present petitions only.

10.11.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No