

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

209

CRM-M-33798-2022

Decided on : 19.09.2022

Gurjinder Singh @ Tony

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Lakshay Goel, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Gurjinder Singh @ Tony, who has been booked for having committed the offence punishable under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, in FIR No. 137, dated 24.03.2022, registered at Police Station Sohana, District SAS Nagar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant Raj Kumar had entered into one agreement to sell dated 09.11.2021 and date for execution of sale deed was fixed for 10.12.2021. Total amount of sale consideration was Rs. 60.6 lacs, an amount of Rs. 20 lacs had been paid in cash at the time of agreement to sell by the complainant-Raj Kumar. He further contends that before the date of execution of sale deed, complainant acknowledged the fraud played with him and thereupon he got lodged the present FIR against five persons i.e. Gurjinder Singh @ Tony (petitioner herein), Sukhvir Singh, Gurkaram Singh, and Bhag Singh (who projected himself as Balwinder Singh) and Rajdeep Kaur. Counsel further contends that during the course of

investigation, accused Sukhbir Singh was declared innocent and Manpreet Singh, Param Singh, Sajjan Seth and Uttam Pal Kaur were involved as accused persons in the present case. Counsel further contends that Gurkaram Singh has already been granted anticipatory bail and other two accused namely, Bhag Singh and Manpreet Singh have also been released on ad interim anticipatory bail. He further contends that petitioner herein is neither a signatory to the agreement to sell nor received any amount directly. It is during the course of investigation that the allegations of getting benefits of Rs. 2,50,000/- were levelled against the petitioner.

It is further submitted by learned counsel for the petitioner that he is inside jail since 30.03.2022 and out of total 16 prosecution witnesses, none has been examined so far.

Per contra, learned State counsel submitted status report dated 19.09.2022 in the Court today and same is taken on record. While opposing the prayer of petitioner for grant of regular bail, learned State counsel submits that petitioner is an active partner in the present case and has defrauded the complainant. Further, he is also involved in two other similar cases, which are reflected in paragraph 4 of the status report.

Be that as it may, considering the submissions of both the sides, and perusing the material available on record with their able assistance, I am of the view that once petitioner is not a signatory to the agreement to sell, undoubtedly, there would be some substance with the petitioner during the course of the arguments against the justification of charges levelled against him. Otherwise also his co-accused who were either beneficiary or even named in the FIR, are enjoying the concession of anticipatory bail/ad interim bail. Even one of the main accused Sukhbir Singh is found innocent. In such circumstances, no purpose would be served by keeping the petitioner inside

jail, especially, when trial is moving very slow, as out of the total 22 prosecution witnesses, none has been examined so far. Therefore, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing heavy bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 19, 2022

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*