

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

CRM-M-34248-2022
Date of Decision:-**11.10.2022**

SHIV LAL DODA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.277 dated 26.12.2020 registered under Sections 420, 120-B IPC at Police Station City-1 District Fazilka.

The counsel for the petitioner submits that the FIR in the present case was registered on the basis of the complaint lodged by Asha Rani, in which she alleged that her son Neeraj Thathai executed agreement to sell his land measuring 19 acres with Harjit Singh, Gurjit Singh, Vishakha Singh and Sukhwinder Singh at the rate of ₹12.90 lacs per acre on 20.4.2013 and earnest money worth ₹5 lacs was given. That another amount of ₹1.75

lacs was given to Harjit Singh, Gurjit Singh, Vishakha Singh and Sukhwinder Singh and ₹7.10 lacs was given to Ranjit Singh and the date for the execution of sale deed was fixed as 21.11.2013, which was further extended to 20.2.2014. Even thereafter the accused person started delaying the execution and registration of sale deed. The present petitioner and Rajiv Chug started extending threats to the complainant and his sons. The counsel for the petitioner further submits that the petitioner was not signatory to the aforesaid agreement to sell and even no amount was received by him from the complainant or his sons. That the only allegations against the petitioner are that, that he extended threats to the complainant and other members of his family. The counsel for the petitioner further submits that similarly situated co-accused Rajiv Chug has been granted concession of anticipatory bail by the Court of Additional Session Judge, Fazilka vide order dated 19.5.2021, whose copy is placed on the record. The counsel for the petitioner further submits that the petitioner was arrested in this case on 24.5.2022 and after completion of investigation, the police has presented the challan and after framing of charges now the case is fixed for prosecution evidence. The counsel for the petitioner further submits that no purpose is going to be served by keeping the petitioner in custody for any longer period as it will take considerable time for the trial to conclude.

The present petition is opposed by the State counsel, who on instructions from ASI Gurnam Singh has not disputed the fact that the only allegations made against the petitioner are that he extended threats to the complainant and other members of her family to refrain them from pressurizing the other accused persons to execute the sale deed on the basis

of agreement to sell dated 20.4.2013. The State counsel has also not disputed the fact that the petitioner was formally arrested in the present case on 24.5.2022 and co-accused Rajiv Chug who is also facing similar charges has been granted anticipatory bail by the Court of Additional Sessions Judge, Fazilka.

I have considered the submissions made by counsel for the parties.

All the offences are triable by the Court of Judicial Magistrate Ist Class. The petitioner was formally arrested in this case on 24.5.2022. The petitioner was not party to the agreement of sale dated 20.4.2013 and there are no allegations against him that he received the sale consideration from the complainant party. Only allegations against the petitioner are that he extended threats to the complainant and other members of her family. After completion of investigation, challan has been presented and trial Court has also framed charges and it will take time for the trial to conclude, so no purpose is going to be served by keeping the petitioner in custody for any longer period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

11.10.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No