

CRM-M-34829-2022 (O&M) and
CRM M-39165-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34829-2022 (O&M)
Date of Decision: 11.10.2022

(I)
Yaseen Mohammad

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM M-39165-2022 (O&M)

(II)
Mandeep Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ghulam Nabi Malik, Advocate,
for the petitioner in CRM-M-34829-2022.

Mr. H.P.S. Ishar, Advocate,
for the petitioner in CRM M-39165-2022

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

Mr. Ghulam Nabi Malik, Advocate has filed his power of attorney in CRM-M-34829-2022 and has stated that he has taken no objection from Ms. Jainika Jain, Advocate who had earlier appeared by filing an application for withdrawal of the main case. He further stated that he has also filed an application for withdrawal of the main case vide CRM

32021-2022 and he may be permitted to withdraw that application by which prayer was made for withdrawal of the main case.

The prayer of the learned counsel is accepted and the application moved by him i.e. CRM-32021-2022 for withdrawal of the main case stands dismissed as withdrawn.

Both the petitions are taken up together for final disposal since they arise from the same FIR with the consent of learned counsel for the parties.

Both the petitions have been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioners in FIR No 0256 dated 27.05.2022, under Sections 420, 465, 467, 468, 471, 120-B and 419 IPC, registered at Police Station Sohana, District SAS Nagar Mohali.

The allegations in the FIR were that the complainant Gurmeet Singh made a complaint that he wanted to purchase some land which is adjoining to his land and he had contacted one property dealer at Mohali namely Amrinder Singh Sidhu with whom one Pardeep Patwari, Ramandeep and others were already present there and they told him that about 10 acres of land was available which was owned by Harmohinderjit Singh Pannu and Nirmaljit Singh Pannu sons of Gurdial Singh and they wanted to sell their land. In this way, a meeting was arranged and in that meeting as per the allegations the sale price of 10 acres of land was fixed at Rs 1,70,00,000/- per acre. Rs. 5,00,000/- was paid in cash at the time of deal and Rs. 4,50,000/- each were transferred in the account of Harmohinderjit Singh Pannu and Nirmaljit Singh Pannu and in this way, allegedly total

Rs. 14,00,000/- was given by the complainant to the persons who were present in the premises where the money was allegedly paid. The allegations were that one of the petitioner namely Mandeep Singh had impersonated one person namely Harmohinderjit Singh Pannu and the other petitioner namely Yaseen Mohammad had introduced the complainant with the seller and identified him and thereafter, it was found that it was case of impersonation and the petitioners alongwith other co-accused were also arrested.

Learned counsel appearing on behalf of petitioner-Yaseen Mohammad has submitted that the petitioner is in custody from 27.05.2022 and now the investigation of the case has been completed and challan has been presented before the competent Court. He submitted that no recovery is to be effected from the petitioner and even otherwise also, as per the allegation, he had identified the seller He further submitted that it is yet to be determined at the time of trial as to whether the petitioner-Yaseen Mohammad had introduced the complainant with the seller and as to whether he identified the seller or not and since the investigation of the case has already been completed, he may be considered for the grant of regular bail. He further submitted that no amount has been given to the petitioner nor any amount has been transferred in his name.

Learned counsel appearing on behalf of petitioner-Mandeep Singh has submitted that the petitioner is in custody from 27.05.2022 and the allegation against him was that he impersonated Harmohinderjit Singh Pannu whereas in fact it was also a case of false allegation against him and it is yet to be determined at the time of trial as to whether he impersonated the aforesaid person or not. He further submitted that the allegation against

him was that the amount of Re 4,50,000/- was transferred in the account of Harmohinderjit Singh which was a fabricated account is also still to be determined at the time of trial and he has got clean antecedents and is not involved in any other case and since the investigation of the case has already been completed, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that both the petitioners are in custody from 27.05.2022 and the investigation of the case has already been completed and thereafter, the challan has been presented. He submitted that the dispute involved in the present case was of Rs. 14,00,000/- and therefore, has opposed the grant of regular bail to the petitioners.

I have heard the learned counsel for the parties.

It is a case where both the petitioners have faced incarceration from 27.05.2022 and the investigation of the case has been completed. The allegations were pertaining to taking of money by way of impersonation which is yet to be determined at the time of trial by way of adducing evidence. As per learned counsel for the parties, no recovery is to be effected from the petitioners and the trial of the case may take long time. Furthermore, it is not the case of the State 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.

Therefore, considering the aforesaid facts and circumstances, this Court is of the view that both the petitioners are entitled for the grant of regular bail.

Consequently, both the petitions are allowed. Both 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.

11.10.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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