

CRM-M-35057-2022

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

CRM-M-35057-2022

Date of decision: 27.09.2022

Gurmukh Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. J.S.Toor, Advocate,
for the petitioner.

Mr. Subhash Godara, Addl. A. G. Punjab.

Mr. Parminder Pal Singh Thethi, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.74 dated 04.06.2022, registered at Police Station Mullanpur, District SAS Nagar, under Sections 406, 420 and 120-B IPC.

Learned counsel for the petitioner contends that on 11.02.2016, the wife of the petitioner executed an agreement to sell qua the land in favour of the complainant; that in pursuance of the agreement, the sale deed was to be executed on 12.10.2016; that in order to execute the sale deed in favour of the complainant, the petitioner and his wife appeared before the Tehsildar, Kharar, on the aforesaid stipulated date whereas the complainant did not appear there, and that owing to the aforesaid failure on the part of the complainant, the earnest money stood forfeited in terms and conditions of the agreement. He further contends that till date, a suit for

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specific performance has not been filed by the complainant, and that co-accused, namely, Baljit Kaur has since been granted the benefit of *ad interim* pre-arrest bail. The petitioner has been in custody since 07.07.2022.

On the other hand, learned State counsel and the learned counsel for the complainant, while opposing the grant of bail to the petitioner, submit that all the transactions had been made by the complainant with the petitioner, and it was the petitioner, who had informed the complainant that his wife is suffering from cancer and, therefore, the sale deed would be executed at a later stage. The last cheque, amounting to Rs.1 lakh, was handed over by the complainant to the petitioner on 22.04.2021.

I have heard the learned counsel for the parties.

In the present case, an agreement to sell was executed between the complainant and Baljit Kaur, wife of the petitioner, and the sale deed was to be executed on 12.10.2016. The cheques, as per the allegations, were handed over to the petitioner, but the same were in the name of Baljit Kaur. Moreover till date, the complainant has not filed any suit for specific performance, against the accused.

The petitioner has been in custody since 07.07.2022. Trial is yet to commence, which would otherwise take a long time. As stated above, co-accused, namely, Baljit Kaur has since been granted the concession of *ad interim* pre-arrest bail by this Court. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on bail on his
furnishing bail and surety bonds to the satisfaction of the learned trial
Court/Duty Magistrate.

27.09.2022

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No