

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

CRM-M-34290-2020 (O&M)

Date of decision: 12.12.2022

Shiv Lal Doda @ Sholly

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-40737-2022

Prayer in the application is for preponement of the main case, which is fixed for 12.12.2022.

As the main case is fixed for today itself, the application is dismissed as infructuous.

Main case:

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 158 dated 10.07.2020, registered under Sections 365, 384, 420, 465, 467, 468, 471, 120-B IPC, at Police Station City-1 Abohar, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that co-accused of the petitioner i.e. Jagtar Singh and others were approached by Nature Farms and Real Estate

Pvt. Ltd in which Neeraj Kumar @ Neeraj Thathi, was one of the Director; that Nature Farms and Real Estate Pvt. Ltd. executed an agreement to sell dated 17.10.2012 for sale of land measuring 09 acres 06 kanals and 16 marlas and as per the said agreement Raghvir Singh was to receive 1,26,00,000/- out of which Rs. 1 lakh was paid in cash and remaining Rs. 1,25,00,000/- by three cheques were handed over to Raghvir Singh; that the said agreement to sell dated 17.10.2012 was pending when the alleged sale deed was 21.08.2015 was executed; that the petitioner has been in custody since 12.09.2020 and nothing is to be recovered from the petitioner; that the petitioner has no concerned with Royal City Infrastructure Pvt. Ltd. and he has never signed any paper at any time for and on behalf of the said company; that in other cases, except in one case, the petitioner is on bail and that co-accused Raghvir Singh is on anticipatory bail. The alleged agreement to sell is of 17.10.2012, the sale deed is of 21.08.2015 and the complaint was filed by the counsel of Asha Rani on 11.06.2020 and the FIR was registered on 10.07.2020.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the land in dispute was sold to Neeraj Kumar @ Neeraj Thathi, thereafter, who was kidnapped and several documents were got executed in favour of the petitioner's company i.e. Royal City Infrastructure Private Ltd. The petitioner and other co-accused are operating a gang and are habitual offenders. The petitioner is involved in 17 others case. The agreement to sell was executed between the sellers of the land, accused Jagtar Singh and others and Nature Heights Infra Limited with regard to the land 9.65 acres @ Rs. 1 crore per acre and the earnest money of Rs. 1.26 crore was

paid to the seller and further earnest money of Rs. 2,24,90,000/- was paid through Major Singh. He submits that the challan has been presented and out of 16 prosecution witnesses, two have been examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 12.09.2020. In other cases, except one, the petitioner is on bail. The dispute is regarding the agreement to sell is of 17.10.2012, the alleged sale deed was executed on 21.08.2015 and the FIR was registered on 10.07.2020. Remaining 14 prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. Hence, 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 petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.12.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No