

223

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49066-2021 (O&M)
Date of Decision:09.03.2022

Gursewak Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Saini, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.53 dated 11.05.2019 registered under Sections 420, 467, 471 and 201 IPC at Police Station Shambu, District Patiala. The petitioner is in custody since his arrest on 16.11.2021.

The FIR was registered on the statement of Baljinder Singh and the allegations as noticed by the Id. Addl. Judge, Special Court, Patiala in the order dated 13.10.2021 are as under:

“As per the prosecution version, Baljinder Singh son of Darshan Singh has lodged a complaint with SSP Patiala stating therein that in the month of June 2018 he sold his vehicle bearing no. HR-38N-6692 to Gursewak Singh for a sum of Rs.4.40 Lac who gave him earnest money of Rs.10,000/- and took the vehicle but later on said Gursewak Singh neither gave him the remaining amount nor returned his vehicle to him rather further sold the same for a sum of Rs.2.80 Lac to the scrap-vendor. On the basis of this complaint, the FIR has been registered.”

Learned counsel for the petitioner has argued that as per allegations, the petitioner purchased vehicle of the complainant bearing

registration No.HR-38N-6692 for a sum of Rs.4,40,000/- and against this

transaction had paid only Rs.10,000/-., and further as no balance payment was made, it resulted in wrongful loss to the complainant. He submits that the investigation of the case is complete and final report stands filed on 23.09.2021, therefore, further custody of the petitioner may not be necessary. He prays for bail.

Learned State counsel assisted by ASI Balkar Singh has referred to status report filed by way of an affidavit of Jaswinder Singh Tiwana, PPS, Deputy Superintendent of Police, Circle Ghanaur, District Patiala and has argued that not only the petitioner has failed to make the balance payment of the sale consideration, but the said vehicle has been further sold by him to one Jaswinder Singh. He has produced the custody certificate by way of affidavit of Rajdeep Singh, Addl. Superintendent of Central Jail, Patiala, which indicates that the petitioner is not involved in any other case.

At this stage, learned counsel for the petitioner has argued that the said transaction of alleged sale took place in June, 2018 and the FIR has been registered after a long delay on 11.05.2019. He has pointed out that the dispute between the parties is of civil nature, therefore, his further detention may not be necessary.

After considering the background of the case, this Court finds that the offences are triable by Magistrate and considering the custody of the petitioner, this Court does not find any reason to decline the prayer, as the trial is likely to consume considerable time to conclude. Admittedly, the petitioner is presently confined in judicial custody since 16.11.2021, therefore, his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the

merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

09.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No