

2023:PHHC:069906

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

CRM-M-5224-2023

Date of Decision: 15.05.2023

BEANT SINGH GILL

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Akshay Chadha, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.116 dated 22.09.2022 under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station Badhni Kalan, District Moga.
2. Custody certificate has been placed on record.
3. Learned counsel for the petitioner contends that as per the allegations, in pursuance of an agreement to sell, the property of Rajender Singh, who is residing in Canada, was agreed to be sold to one Inderpreet Singh and a sum of Rs.40 lac was received as earnest money. Some one had impersonated as Rajender Singh at the time of execution of agreement to sell. The allegations against the petitioner are to the effect that he had introduced some fictitious persons as Rajender Singh at the time of execution of the agreement to sell with Inderpreet Singh. The petitioner is neither named in the FIR nor his signatures appear on the agreement to Sell. Even, there is nothing to indicate that any amount was paid to the petitioner out of the earnest money alleged to have been paid in pursuance of execution of the agreement to sell. The offences are triable by the Court

of Judicial Magistrate 1st Class and the petitioner is in custody for a period of 07 months and 18 days. Though, the petitioner is involved in a case under Punjab Excise Act and another case under Sections 323 and 324 IPC but he is on bail in those cases.

4. Learned State counsel has opposed the bail application on the score that the petitioner had identified a fictitious person as Rajender Singh at the time of execution of agreement to sell and he had also received the amount.

5. It may be mentioned here that the name of the petitioner does not find mention in the FIR and he is not a signatory to the agreement to sell. The reply also indicates that the amount of Rs.40 lac was received by the person who allegedly impersonated as Rajender Singh at the time of execution of agreement to sell. The petitioner is in custody for a period of 07 months and 18 days and so far, only 07 witnesses out of 15 witnesses are stated to have been examined. The offences are triable by the Court of learned Judicial Magistrate 1st Class. The conclusion of trial may take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

15.05.2023

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Whether speaking/reasoned: Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable : Yes/No