

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5850-2023

DECIDED ON: 9th FEBRUARY, 2023

RAJINDER SINGH @ RAJINDER @ MANKIRT BAJWA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Adarshpreet Singh Dhaliwal, Advocate for
Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 6, dated 06.01.2023, under Sections 326, 506, 341 and 34 IPC, registered at Police Station Division Division No.2, District Pathankot.

Learned counsel for the petitioner submits that it is a case of version and cross-version wherein, the present FIR under Sections 326, 506, 341 and 34 IPC was registered on 06.01.2023 at Police Station Division No.2, District Pathankot and on the very next date a case bearing GD No. 23, under Sections 323, 326 and 341 IPC was lodged at the same police station.

Notice of motion.

On the asking of Court, Mr. Mohit Kapoor, Addl. AG, Punjab accepts notice on behalf of respondent-State, who has produced the custody

certificate of the petitioner today in Court, which is taken on record. According to which, the petitioner is behind the bars for the last 1 month and 1 day and is not involved in any other case of any nature.

At this stage, Mr. Gursharan Singh, Advocate has put in appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

The present dispute relates to an execution of an agreement between the father of the petitioner namely Gurdas Chand with one Raj Kumar father of Ajaipal @ Happy with regard to purchase of plot measuring 21 marlas for a total consideration of Rs.27,00,000/-. The dispute arose when Raj Kumar had transferred the possession of only 4 marlas of land and had refused to hand over the possession of the rest of 17 marlas land despite having taken a total consideration as has been the case built up by the prosecution in the cross-version.

Considering the afore-said facts and circumstances and the nature of the dispute between the parties wherein cross-version is there, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

The petitioner is ordered to be released on regular bail subject to his furnishing personal and surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

9th FEBRUARY, 2023

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>