

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-11519-2023

Date of Decision:-25.08.2023

Harjit Singh @ Vicky.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jitender Singh Dadwal, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0123 dated 18.06.2022 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC registered at Police Station Tibba, District Ludhiana.

2. The brief facts of the case are that complainant Sukhwinder Singh entered into an agreement to purchase a plot situated in the area of Mohalla Puneet Nagar, Tibba Road, Ludhiana for Rs.5800/- per square yard totalling Rs.11,60,000/- with Mali Ram son of Sohan Lal through property dealer Balwinder Singh Bittu and Kuldeep Singh @ Vicky. The complainant paid a total amount of Rs.11,60,000/- but the sale deed was not executed in his favour. On 06.06.2020 the complainant came to know that the Balwinder Singh had produced Gurmeet Kaur as Bimla Rani wife of Mali Ram, Kuldeep Singh @ Vicky as Mali Ram and Jasbir Kumar as son of Mali Ram and had executed the agreement to sell by putting forged

signatures of Mali Ram and Geeta Rani and had obtained Rs.11,60,000/- from him. In fact Mali Ram had died about 03 years ago.

Based on the complaint in question the instant FIR came to be registered.

3. The Counsel for the petitioner contends that the allegation against him of impersonating Mali Ram the actual owner of the land is baseless. In fact the name of the petitioner is Harjit Singh @ Vicky and not Kuldeep Singh @ Vicky. The co-accused of the petitioner namely Gurmeet Kaur had been granted the concession of regular bail by this Court vide order dated 15.12.2022 (Annexure P-2), Balwinder Singh Bittu had been granted the concession of anticipatory bail vide order dated 26.05.2023. As the petitioner was in custody since 29.08.2022, none of the 13 prosecution witnesses had been examined so far and the case was triable by the court of Magistrate, the further incarceration of the petitioner was not required and he was entitled to the concession of bail more so as in the one other case registered against him, he had been granted the concession of anticipatory bail by this Court vide order dated 23.01.2020.

4. The Counsel for the State on the other hand contends that the petitioner impersonated the seller Mali Ram in connivance with the other accused and cheated the complainant of an amount of Rs.11,60,000/-. The serious nature of the allegations against the petitioner and his co-accused did not entitle him to the grant of bail. He however concedes that the petitioner is in custody since 29.08.2022, none of the 13 prosecution witnesses have been examined so far and some of the co-accused have been granted the benefit of regular bail or anticipatory bail.

5. I have heard the learned counsel for the parties.

6. This Court in the case *titled as Maninder Sharma Vs. State*

Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M-24033-2021(O&M) Decided on 31.08.2022 has held as under:-

“ Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant. ”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly the petitioner is in custody since 29.08.2022 and none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further some of the co-accused have already been granted the concession of anticipatory bail or regular bail. In the one other case registered against him, he has been granted the concession of anticipatory bail by this Court. The learned State Counsel has expressed no serious apprehension that the petitioner would abscond from the Trial, tamper with the evidence or influence the witnesses if he is granted the concession of regular bail. Therefore, the further incarceration of the petitioner is not warranted.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Harjit Singh @ Vicky** son of Sh. Surat Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned

on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

10. If the petitioner or any of his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this Court.

11. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from the trial without sufficient cause.

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 25, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No