

CRM-M- 22761-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 22761-2022 (O&M)

Date of Decision: 21.03.2023

Sewa Singh

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 72 dated 11.06.2021, under Sections 406, 420 IPC registered at Police Station Navi Baradari, Jalandhar.

The brief facts of the case are that the present FIR was registered by one Sunil Kumar against the petitioner stating that the petitioner herein being attorney of Balwinder Kaur wife of Gurdip Singh, agreed to sell land of Balwinder Kaur to him and received an amount of Rs. 30 Lacs from the complainant and executed an agreement to sell. The sale deed was yet to be executed but the complainant came to know that the petitioner had already executed another agreement in favour of one Dev Raj and Ishwar Chand. Faced with this when the complainant confronted the

petitioner, he told the complainant that he had already returned the money to Dev Raj and his son, but the agreement was still subsisting. The allegation qua the petitioner is that he had neither executed sale deed in favour of the complainant nor returned the money and thus defrauded the complainant.

Learned counsel for the petitioner contends that the petitioner is in custody since 11.02.2022 and civil litigation is also pending between the parties vide CS No. 1209/2021 and even as per the FIR, the allegations against the petitioner are that he neither got executed the sale deed nor money is being returned qua the said sale and dispute is of civil nature. He submits that the matter stands investigated and the challan has been filed and the charges have been framed and the the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Reply has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the petitioner is a habitual offender and the offence alleged against the petitioner is serious in nature and he is involved in other cases as well, however, he does not dispute the fact that the matter stands investigated and charges have already been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 11.02.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, vide order dated 30.05.2022 passed by this

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Court, both counsel for the respective parties prayed time to ascertain the factual position with regard to pendency of 15 cases stated to be registered against the petitioner by the State counsel. In view of the same, vide order dated 16.01.2023, the respondent-State was directed to file reply and in compliance of the same the reply dated 21.03.2023 has been filed and same is available on record, as per which the petitioner is involved in four cases, out of which in one case, he has been acquitted and other three cases are still under trial where he is on bail. Now, since the challan stands presented and the charges have been framed and out of total 18 prosecution witnesses only 01 has been examined and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

21.03.2023

seema

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