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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.21335 of 2023 (O&M)
Date of decision : 25.09.2023

Vikramjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. C. S. Rana, Advocate with
Ms. Himani, Advocate and
Mr. Vikrant Pinjore, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Jasdeep Singh, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Present third petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No.275, dated
01.10.2019, under Sections 420, 376, 506 of IPC and Section 201 IPC
added later on and under Section 67A of IT Act, 2000, registered at Police
Station Jamalpur, District Police Commissionerate, Ludhiana.

As per factual matrix, the FIR in question was lodged by
Chaman Lal, wherein it was alleged that he entered into an agreement to
sell a property with Reena Rani wife of Ravi Kumar, however, on the date
of execution of the sale deed Reena Rani did not turn up to the office of
concerned Sub Registrar. Later on the complainant found to have been
cheated as it was revealed that Reena Rani had entered into agreement to

sell with him clandestinely as she had already sold the property under consideration in connivance with her daughter Pooja Ghai and Vikramjit Singh i.e. the present petitioner. Rather the property was sold to the petitioner Vikramjit Singh. The complainant alleged that he was cheated of the earnest money of Rs.5,00,000/-. On the basis of these allegations, the present FIR was registered.

During investigation, statement of Reena Rani (who was declared as victim) was recorded under Section 164 Cr.P.C. It was hereinafter that the additional offences pertaining to sexual abuse and I.T. Act were added. Petitioner was arrested on 22.02.2022. He approached the Court of learned Additional Sessions Judge (FTSC), Ludhiana for grant of bail, however, after hearing the parties, the same was declined vide order dated 22.03.2022. The petitioner approached this Court by way of filing **CRM-M No.22841 of 2022** which was allowed to be dismissed as withdrawn vide order dated 30.05.2022. Thereafter, the petitioner filed second petition bearing **CRM-M No.31014 of 2022** before this Court for the grant of regular bail which was dismissed vide order dated 06.09.2022. Hence, the petitioner has again approached this Court by way of filing the present third petition for the grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He further submits that bone of contention is the civil litigation between the parties and the same has been given the colour of a criminal nature. He submits that the petitioner purchased the property from the complainant through a registered sale deed, however, after selling the property in question, the

complainant became dishonest and tried to grab the same back and thus, lodged a false and frivolous FIR against him. He further submits that nephew of the complainant filed an application dated 12.10.2018 to the Commissioner of Police for lodging the FIR against Chaman Lal i.e. the complainant. He further submits that earlier first petition for the grant of bail filed by the petitioner was dismissed as withdrawn on 30.05.2022 and then second petition filed by the petitioner for his release on bail was declined by this Court vide order dated 06.09.2022 and at that time, only challan was presented and charges were to be framed. He submits that as on date, the prosecutrix and other material witnesses have already been examined and the prosecutrix has rather deposed during her cross examination that the petitioner is innocent. Petitioner is in custody since 22.02.2022 and the trial of the case is likely to take sufficient time. As she did not level any allegations of rape against him, therefore, the petitioner is entitled to be released on bail.

Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He submits that petitioner is a habitual offender and this is not the first case against him where he has cheated the innocent complainant. It has been submitted that in all there are 8 more cases pending against the petitioner. He further submits that statement of Reena Rani was recorded under Section 164 Cr.P.C wherein she disclosed about the sexual exploitation of herself and her daughter by petitioner Vikramjit Singh. Not only this petitioner also made objectionable videos on the strength of which he had been blackmailing Reena Rani and her daughter. It is submitted that in some of the cases

petitioner has been declared proclaimed offender. He submits that granting bail to the petitioner at this stage would definitely prejudice the on going trial and thus the present petition deserves to be dismissed.

On the other hand, learned State counsel submits that petitioner is a habitual offender. She submits that statement of the prosecutrix under Section 164 Cr.P.C. was recorded wherein it was revealed that petitioner had been blackmailing both mother and daughter on the strength of objectionable videos made by him. She submits that there are 08 more cases pending against the petitioner. She submits that out of 32 prosecution witnesses, 22 have already been examined. She further submits that looking at the seriousness of offence the petitioner committed and pendency of other criminal cases against him, he is not entitled to be released on bail.

I have heard learned counsel for the parties and perused the material on record.

Admittedly, the petitioner is a beneficiary of the property regarding which the complainant had entered into an agreement to sell with him. There appears to be a civil dispute regarding property between the parties. Whether the same is the bone of contention for implicating the petitioner in a false case or not is to be determined by the trial Court after conclusion of evidence to be led by both the parties before it. The petitioner is in custody since 22.02.2022 and the trial of the case is likely to take sufficient time. Pendency of 08 other cases against the petitioner cannot be held as a valid ground to keep the petitioner in judicial custody for an indefinite period. He will have to face the trial and consequences of

other cases pending against him. The trial is progressing as 22 prosecution witnesses out of 32 have already been examined and the prosecutrix has levelled no allegations of rape against the petitioner.

Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

25.09.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No