

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31939-2023

Date of decision:-22.11.2023

Jagsir Singh and another

... Petitioners

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Sumeet Puri, Advocate
for the petitioners.

Mr.A.P.S. Tung, DAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
45	16.04.2023	Longowal, District Sangrur	306, 34 IPC

2. Facts, in brief are that FIR, which has been reproduced in the body of the petition, has been registered on the statement of Randeep Singh for taking action against Paramjit Singh (petitioner No.2), Jagsir Singh (petitioner No.1), Gurmeet Singh, Sukhdev Singh, Balihar Singh, Nazar Singh, Jaspal Singh, Jagwinder Singh and Sukhwinder Singh. It has been alleged that complainant’s father Balvir Singh was owner of 7 acres of land and the above-named accused prepared a forged agreement to sell and

deposited cheques of Rs.10 lakhs in the account of Paramjit Singh and Rs.15 lakhs was also paid in cash to him. In pursuance to the agreement, forcible possession of 2 acres of land was taken by Gurmeet Singh and Sukhdev Singh. Jaspal Singh entered into an agreement to sell with Balvir Singh qua 4 acres of land for Rs.7 lakhs per acre but he has executed a pronote for Rs.10 lakhs. Jaspal Singh warned complainant's father to execute a sale deed by intimidating him and also filed a case against him. Jagwinder Singh forcibly took the tractor from complainant's house to compel his father to execute the sale deed and Sukhwinder Singh forcibly took over possession of 2 acres of land belonging to the complainant's father. Due to this reason, Balvir Singh was under mental stress and on 16.04.2023, he called from a mobile phone of a passerby informing the complainant that he has consumed poison and was standing on Sidh Samadha Wala Road, Longowal. When the complainant reached the spot, his father had fallen on the road and there was foul smell from his mouth. He was taken to the hospital, where he breathed his last.

3. Counsel for the petitioners submits that they have been falsely implicated as the agreement to sell had been executed by the deceased with co-accused, Gurmeet and Sukhdev, for which he was paid Rs.35 lakhs as earnest money. He submits that the sale deeds were to be executed in May, 2021 but a few days before the date of execution, the deceased informed that as the land was attached by a bank, the sale deed cannot be executed. An FIR No.31 dated 25.02.2022 was lodged under Sections 420, 406, 120-B IPC at Police Station Longowal, District Sangrur by Gurmeet and Sukhdev

in which the petitioners have also been named as accused. Counsel submits that it was because of the criminal case as well as alleged forcible possession by co-accused that the deceased was under mental pressure. It is his arguments that essential ingredients of Sections 107 and 306 IPC are not satisfied and offence is not made out. Counsel submits that although the complainant has produced a suicide note but its legality and veracity is in question. Counsel submits that besides above two criminal cases, petitioners have clean antecedents and as they are in custody since 25.04.2023, they deserve to be released on bail.

4. *Per contra*, State counsel on instructions from ASI Hardev Singh has opposed the petition by alleging that petitioners have been specifically named in the FIR and there are categoric allegations against them. Separate custody certificates dated 20.11.2023 have been filed by the State counsel, which are taken on record. As per instructions received by him, suicide note has been sent to the FSL for analysis but the report is awaited. He submits that charge has been framed on 29.08.2023 but out of 17 prosecution witnesses, none has been examined.

5. I have heard counsel for the parties and considered their respective submissions.

6. The legality and veracity of the suicide note, agreement to sell as well as the allegations levelled against the petitioners would be the moot questions to be determined by the trial Court on the basis of oral as well as ocular evidence produced before it. Noticing that the petitioners have been in custody for the last almost 7 months, the trial is at embryonic stage and

the co-accused have been granted the concession of anticipatory bail, this Court does not have any hesitation in acceding to the prayer made in the petition.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioners are ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)

JUDGE

22.11.2023

Brij

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No