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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-36775-2023 (O&M)
Date of decision : 21.12.2023**

HARMEL SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Jimmy Singla, Advocate
for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab
with ASI Amrit Lal.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.80 dated 03.05.2023 registered for the offences punishable under Sections 420, 406, 347, 365, 120-B IPC at Police Station Lehra, District Sangrur.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the case of the prosecution the role of the petitioner is :

"To SSP, Sangrur 1. Darshan Singh son of Gurdev Singh resident of village Nial, District Patiala Khewatdar Kartarapura urf Changali Wala Tehsil Lehra P.S. Lehra District Sangrur Mobile No. 79735-82922 Applicant Versus 1. Harmel Singh Nagla alias Gona son of Gurdial Singh resident of village Nagla Tehsil

Lehra, District Sangrur mobile number: 98721-06680 2 Jaspal Kaur wife Harmel Singh resident of Nagla tehsil Lehra District Sangrur, 3 Hardev Kaur W/o Gurdayal Singh Resident of Village Nagla Tehsil Lehra District Sangrur 4. Chamkaur Singh Son of Harmel Singh Resident of Village Nagla, Tehsil Lehra, District Sangrur. Subject complaint for taking action on account of cheating of 3200000/- with me by trapping and administering some intoxicating substance to me and by making me to sell my land fraudulently and by taking away all of the money. I am Darshan Singh son of Gurdev Singh resident of village Nial, District Patiala, Khewatdar Kartarapura urf Gahalli Tehsil Lehra District Sangrur. I was having 12 kanals of land in village Kartarapura urf Gahalli Tehsil Lehra District Sangrur. The aforesaid accused persons trapped me and caught hold of my land. They have also usurped my Maruti Swift car bearing registration number PB-11AF 0198 and kept the same with them as well as one truck registration number PB AX-7970 and also made me to sell my motorcycle and are offering me one kothi at ITI Patiala in lieu of the aforesaid amount. From which I would be getting monthly Income of 50,000 per month. I got involved in their talk and they cheated me and administered some intoxicating substance to me fraudulently and got sale deed of 12 kanal of land registered from me and grabbed the amount themselves, but no land was given to me. Now they are neither returning me my swift car nor refunding my money and when I ask them for my money they say bad words to me and and say do whatever you have to do. No one can do any harm to me. They keep giving such threats openly. They have cheated and defrauded me. I also suspect that that they are also engaged in flesh-trading and trap innocent people. Therefore vide the present the application it is requested that strict possible action be taken against the aforesaid accused person and justice be delivered to me and my life and property be protected and my money be got returned to me. In case I suffer any kind of bodily

or material loss, then the aforesaid accused persons shall be responsible for the same.."

4. Counsel for the petitioner submits that the Challan already stands presented and investigation stands concluded. Whole of the allegations against the petitioner relate to receiving money which were in fact sale proceeds of the sale of land of the complainant. The petitioner is behind bars for more than 7 months and 9 days having no criminal antecedents. Co-accused namely Chamkaur Singh from whom car was allegedly recovered which is alleged to have been purchased from the aforesaid sale proceeds, already stands admitted to pre-arrest bail vide order dated 17th of July, 2023 in CRM-M-27311-2023 by the Co-ordinate Bench.

5. State Counsel is not in position to dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
9. Pending application, if any, shall also stand disposed off.

December 21, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No