

CRM-M-47985-2023 (O&M) -1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(107+206)

CRM-M-47985-2023 (O&M)
Date of decision:- 07.10.2023

Prabhjeet Singh ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manjot Singh Shergill, Advocate
for the petitioner.

Mr. A.P.S.Tung, DAG, Punjab
for State-respondent.

Mr. R.D.Bawa, Advocate
for the complainant.

SUVIR SEHGAL, J. (ORAL)

CRM-42805-2023

- 1. Application is allowed as prayed for.
- 2. Annexures P-7 to P-11 are taken on record.

CRM-M-47985-2023 (O&M)

- 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
0129	28.07.2023	Mataur, SAS Nagar	420, 406 and 120-B, IPC

- 2. Version of the prosecution is that FIR, Annexure P-1, has been registered by Sachin Sharma on the allegation that he entered into an

agreement to sell for purchase of land with Naveen Nayyar, who is the General Power of Attorney (GPA) of Prabhjeet Singh, present petitioner. An amount of Rs.5.50 lacs was paid to Naveen Nayyar and an agreement to sell was entered on 03.11.2022. An amount of Rs.20 lacs was also paid. When it came to the notice of the complainant that a Court case was pending, Naveen Nayyar and Baljot Kaur assured that they will produce a copy of the judgment. However, they did not do so and made a demand of an amount of Rs.10 lacs, which was deposited in the account of Amit Saini, who transferred it to Prabhjeet Singh, present petitioner. When Naveen Nayyar and Baljot Kaur refused to execute the sale deed, complaint dated 16.02.2023 was submitted on the allegation that complainant has been duped of more than Rs.35 lacs, which has resulted in the registration of FIR, Annexure P-1.

3. Counsel for the petitioner submits that GPA dated 19.05.2020, Annexure P-4, was executed by the petitioner in favour of Naveen Nayyar, which was cancelled on 29.05.2020, Annexure P-5, and both, the GPA and its cancellation, were duly registered. He urges that the main culprit is Naveen Nayyar, who acted on the basis of a cancelled GPA and defrauded the complainant as well as the petitioner. By referring to the bank account statement as well as the details given in Annexure P-9, counsel submits that out of an amount of Rs.10 lacs electronically transferred to his bank account, he has refunded an amount of Rs.7.26 lacs and in case any amount is still found due, he is prepared to refund the same. He asserts that the petitioner, who is in incarceration since 11.08.2023, deserves to be enlarged on bail as investigation has been concluded.

4. *Per contra*, State counsel, upon instructions from ASI, Lakhbir Singh, has opposed the petition. He is assisted by the counsel for the complainant. It has been asserted that the petitioner was hand in glove with the co-accused and in connivance with them, he played fraud with the complainant. It has been contended that an assurance was extended by Baljot Kaur, who is the wife of the petitioner, and party to the fraud. Reliance has also been placed by counsel for the complainant on an affidavit dated 04.11.2022, executed by the petitioner, wherein he has confirmed the execution of the GPA. As per specific instructions received by the State counsel, investigation qua the petitioner is complete and challan shall be presented within a period of one week. State counsel submits that the petitioner is involved in two other criminal cases.

5. Countering the submissions of the State counsel, counsel for the petitioner submits that out of the two FIRs, one of the FIR has been registered on the basis of a fraud played by the co-accused, Naveen Nayyar, which has been amicably settled. In so far as the second criminal case is concerned, he submits that the criminal proceedings have arisen out of a family dispute. Counsel asserts that the affidavit dated 04.11.2022 relied upon by the complainant does not bear the signatures of the petitioner.

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

7. Petitioner is accused of offences, which are triable by a Magistrate. Investigation qua him has been concluded and the challan is likely to be file within the next few days. There is no apprehension that the petitioner is likely to abscond or influence the witnesses or to delay the

trial. Noticing the nature of allegations levelled against him, period of incarceration and the stage, this Court has no hesitation in releasing him on bail.

8. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

07.10.2023
Kamal

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