

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-1142-2024 (O&M)

Date of decision: 19.04.2024

Randeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate and
Mr. Varun Sharma, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.120 dated 21.11.2023 under Sections 406, 420 of the IPC registered at Police Station Phase-8. S.A.S. Nagar (Mohali).

2. Learned senior counsel for the petitioner inter alia contends that in a magisterial trial he has now been in custody since 09.12.2023; even though challan was presented on 05.02.2024, however, the case had been repeatedly adjourned and till date charges had also not been framed. He submits that the next date fixed before the learned Trial Court is 02.05.2024 when there is a likelihood of the charges being framed. Learned senior counsel has submitted that in the facts and circumstances, the possibility of the trial concluding in the near future looks bleak moreso since 17 prosecution witnesses have been cited by prosecution. Learned senior counsel has further

submitted that the petitioner is not even a signatory to the Joint Venture Agreement in question.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned senior counsel for the petitioner, on instructions from ASI Satinder Pal Singh, has submitted that the complainant had entered into a Joint Venture Agreement with the wife of the accused for developing some real estate in Himachal Pradesh; as per the terms and conditions the requisite approval for the project had to be obtained by the first party i.e. the co-accused which, however, was not obtained and instead all the accusing including the petitioner had swallowed a huge amount of Rs.50 lakhs belonging to the complainant; thereafter had clandestinely sold off the land on which the housing project was to come up, to some third party for an amount of Rs.9 crores. Learned State counsel on instructions has, however, not been able to dispute the submissions made by the counsel opposite that the petitioner was not a signatory to the Joint Venture Agreement entered into with the complainant. It has also not been disputed on instructions that the investigation in the case at hand is complete as challan stands presented. Learned State counsel still on further instructions has not been able to controvert that the case is being adjourned time and again for framing of charges and the next date fixed before the learned Trial Court is 02.05.2024.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he, on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the

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material placed on record.

6. The petitioner has been in custody since 09.12.2023 in a magisterial trial. There is no likelihood of the trial concluding in the near future as even the charges have not been framed coupled with the fact that 17 prosecution witnesses have been cited by the prosecution. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Pending applications, if any, stand disposed of.

19.04.2024

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(MANJARI NEHRU KAUL)
JUDGE

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