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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9677-2024 (O & M)
Date of decision: 01.03.2024

Gurmeet Singh @ Raja Petitioner
V/s
The State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dhruv Gupta, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in a case FIR No.159 dated 31.03.2023 under Sections 406/420 (467/468/471/120-B IPC added later on) registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

2. The brief facts of the case are that as per allegations, the accused agreed to sell the multiple plots to the complainant and his family members, received a huge amount of money but later on it transpired that the accused were not the owners of the land/plots which they agreed to sell.

3. During the course of investigation, Gurmeet Singh (petitioner) son of Rajinder Singh was arrested on 14.08.2023. On 15.08.2023, he confessed to have committed the offence. He, thereafter, led the investigating agency to the house of one Daljit Singh son of Dharam Singh and got recovered Rs.3,50,000/- from him stating that the said amount was

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deposited in the account of Daljit Singh from the amount which had been cheated.

During the course of investigation, the copies of the agreements to sell executed between the accused and the complainant were recovered.

3. The learned counsel for the petitioner contends that it was Rajinder Singh, the father of the petitioner who was the main accused and the petitioner was only an attesting witness to the agreements to sell. All the money received from the complainant had gone into the accounts of Rajinder Singh and his wife Jasvinder Kaur (mother of the petitioner). As the petitioner was in custody since 14.08.2023 and none of the 19 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail, moreso, as the case is triable by the Court of a Magistrate.

4. The learned counsel for the State, on the other hand, contends that the petitioner and his family members cheated the complainant party of a huge amount of money on the pretext of selling them plots. However, it transpired that neither the petitioner nor his family members were the owners of the any land which they had attempted to sell. Therefore, the offence was established beyond doubt. He, however, concedes that the case was triable by the Court of a Magistrate, the petitioner is in custody since 14.08.2023 and none of the 19 prosecution witnesses had been examined so far.

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

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6. This Court in the case titled as ***Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab bearing CRM-M24033-2021(O&M) Decided on 31.08.2022*** has held as under:-

“Therefore, broadly speaking (subject to any statutory restrictions contained in Special Acts) , in economic offences involving the IPC or Special Acts or cases triable by Magistrates once the investigation is complete, final report/complaint filed and the triple test is satisfied then denial of bail must be the exception rather than the rule. However, this would not prevent the Court from granting bail even prior to the completion of investigation if the facts so warrant.”

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 14.08.2023 and none of the 19 prosecution witnesses have been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. Even otherwise, the present case is triable by the Court of a Magistrate and no serious apprehension has been expressed by the State that the petitioner would abscond from justice, tamper with the evidence or influence witnesses if granted the concession of bail. Therefore, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurmeet Singh @ Raja is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform

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in writing each time that he is not involved in any other case/crime other than the present one.

10 If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.3,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

12. The present petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 01, 2024
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No