

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228

CRM-M NO. 12220 of 2024
DATE OF DECISION: 14.03.2024

Kulwinder Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON’BLE MR. JUSTICE HARKESH MANUJA

Present Mr.Amritpal Singh Gill, Advocate,
for the petitioner.

Mr.Kewal Singh, Addl. A. G. Punjab.

Mr. Vaibhav Narang, Advocate,
for the complainant.

HARKESH MANUJA, J (ORAL)

1. By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, prayer has been made for grant of regular bail to the petitioner, pending trial in case FIR No.07 dated 10.02.2024, registered under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station NRI, District Police Commissionerate Ludhiana.
2. In the present case, the petitioner has been implicated on the basis of allegations of being beneficiary under an agreement to sale dated 05.11.2012 having purchased the property and got executed in his favour through the co-sharers of the complainant.
3. Learned counsel for the petitioner submits that the present is a pure and simple civil dispute arising out of an agreement to sell and the registration of the FIR was purely misuse of the process of law.
4. The prayer made herein has been opposed by the learned State counsel assisted by Mr.Vaibhav Narang, Advocate for the complainant while submitting that

the petitioner being purchaser of the property in question under the garb of the agreement of sale, was trying to forcibly occupy the frontal portion of the property in question.

5. While hearing, both the respective counsels, on instructions, submit that they will not occupy any part of the property till the partition proceedings filed at the instance of complianant are finalized by the appropriate authorities. The respective counsels further ensure that neither the petitioner nor the complainant would raise any construction over any portion of the property in question.

6. In view of the agreed stand taken by the parties and the matter being still subjudice and the partition proceedings being pending before the civil Court and the parties having been consented to remain bound by the outcome of those civil proceedings as regards possession over the property in question, I do not find any justification to extend the incarceration of the petitioner, who is already in custody since 11.02.2024.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned learned Trial Court/Illaqa Magistrate.

8. It is made clear that the petitioner shall remain bound by the undertaking submitted by his counsel, on instructions, and in case the petitioner violates any of such undertaking, the complainant shall be at liberty to seek cancellation of his bail.

9. It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

14.03.2024
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No