



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

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CRM-M-21822-2024**Date of decision: May 27, 2024**

SATVEER SINGH @ SATBIR SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narender Singh, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab
with ASI Bhupinder Singh.

Mr. Keerat Dhillon, Advocate
for Mr. P.S. Ahluwalia, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.115 dated 10.10.2023 (Annexure P-1) under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (and Sections 419, 465, 467, 468, 471 IPC added later on), registered at Police Station Anaj Mandi, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case solely because he happens to be the husband of co-accused Devinder Kaur, a partner in M/s Dhillon Trading Company. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has submitted that it has been alleged therein that the accused defrauded the complainant of an amount exceeding Rs.1.20 crores, through a well-devised plan. Allegedly, the accused met the complainant at his factory, assured him of their intention to purchase some agricultural machinery and also promised to

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make payments for the purchased machinery, however, with a malicious intent, though they acquired various agricultural equipment from the complainant, they avoided payments on one pretext or the other.

3. Learned counsel for the petitioner has asserted that a perusal of the allegations levelled in the FIR as well as the other material on record clearly indicates that the dispute, if any, between the parties is of a civil nature but is intentionally being given a criminal colour; the entire case of the prosecution hinges on documentary evidence, as is also evidenced from Annexure P-2, which is an accounts statement of the parties.

4. It has still further been submitted that as per allegations, the alleged affidavit of the wife of the petitioner dated 12.07.2023 (Annexure P-5) was allegedly fabricated by him. Learned counsel submits that it is totally implausible that the petitioner, a male, could impersonate a female, and that too in the presence of a Notary, who witnessed the signing of the affidavit and notably, this Notary has not even been made an accused in the present case. Learned counsel has, thus, submitted in the aforesaid facts and circumstances the false implication of the petitioner is evident. It has also been submitted that since the challan stands presented, and the case hinges on documentary evidence, there can be no apprehension of the petitioner tampering with evidence. Furthermore, since 19 witnesses have been cited by the prosecution, there is no possibility of the trial concluding in the near future.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that connivance of the petitioner with the co-accused, who is none other than his wife, is writ large; the other



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accused including the wife of the petitioner are on the run and there could be a possibility of the petitioner absconding during trial. Learned State counsel has further reiterated the allegations levelled against all the accused and the material collected against the petitioner during investigation. However, learned State counsel, on instructions, has not disputed the stage of trial, and that the case in hand rests on documentary evidence. He, on further instructions, has informed the Court that the next date fixed before the learned trial Court is 31.05.2024, when the charges are likely to be framed.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner, who has been in custody since 21.12.2023, would serve no useful purpose as the trial would take considerable time to conclude. Therefore, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.

8. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

9. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

May 27, 2024
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

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