



CRM-M-31686-2024

-1-

(232)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31686-2024

Date of Decision: 20.08.2024

SOHAN SINGH @ RAM SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Munish Kumar Garg, Advocate with
Mr. Tanuj Goyal, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.134 dated 05.09.2023 registered under Sections 420, 467, 468, 506, 120-B IPC and Section 27 of Arms Act, 1959 at Police Station Jakhal, District Fatehabad.

2. The present FIR came to be registered at the instance of Mohan Singh and Binder Singh sons of Gurtej Singh @ Tej Singh and the same reads as under:-

*Contents: of Home "TO Sh. Anil Vij, Hon'ble Affairs, Haryana Government, Application for taking action Minister Chandigarh.
Subject: against 1. Sohan Singh son@ Ram Singh son of Gurdev Singh son of Veer Singh resident of Ward No. 13, Tibba Colony,*



CRM-M-31686-2024

-2-

Ratia, Tehsil Ratia, District Fatehabad Mob No. 94662-46500 and 2. Gamdoor Singh son of Ram Singh son of Aatma Singh resident of Dhani Babanpur, Tehsil Ratia, District Fatehabad Mob No. 70825-77743 and 3. Jarnail Singh son of Mukhtiar Singh resident of Moosakheda, Tehsil Tohana, District Fatehabad. Sir the applicant respectfully submits that 1. That the accused no. 1 namely Sohan Singh is running an Aaraht Shop at Shop No. 109 in Grain Market Ratia under the name and style of Gurdev Singh and Sons and since 1994 the applicants are selling their entire crop to the said Firm and the applicant and accused Sohan Singh are residing in the same village, due to which there were good relations among them and the applicants used to deposit the amount earned from the crop with the Firm of accused No. 1 and in the year 2018 when the applicant demanded their amount deposited with the accused then the accused no. 1 told that he had recently sent his younger son in Abroad and he had spent a lot for the same and he told the applicants to wait for some time. On which the applicant by understanding the compulsion of accused no. 1 agreed to wait for some time and thereafter the applicants several times demanded their money from accused no. 1 Sohan Singh by settling the accounts. But each time the accused no. 1 used to make excuse. Because the firm of accused no. 1 had good reputation in Grain Market Ratia and the applicants and accused no. Sohan Singh were residing in the same village. Due to which applicants did not build much pressure on the accused no. 1 Sohan Singh 2. That during which after selling the wheat crop in 2022 the deposit amount of the applicants towards the said Firm in installments became Rs. 1, 53, 00, 000/- and when in the year 2022 the applicants demanded their money from said accused no. 1 then accused no. 1 Sohan Singh told the applicants that I am leaving the Aarhat Business and he had not any money to pay the applicants but he owns around 9 acres of land in Gouja Musakhera. Out of which he is ready to execute the sale deed of 5 acres of land in the favour of applicants



CRM-M-31686-2024

-3-

in lieu of Rs. 1,53, 00, 000/-. After hearing this the applicants got shocked mentally because even after executing the sale deed of 5 acres of land in their favour by the accused no. 1 Sohan Singh, their amount of Rs. 1,53, 00, 000 was not satisfied. But any how the applicants controlled their emotions and agreed to get execute the sale deed of 5 acres of land in their favour from accused no. 1 Sohan Singh. As per which on dated 23.05.2022 accused no. 1 Sohan Singh got prepared an agreement to sell of his land measuring 40 Kanals 0 Marlas situated at village Mouja Moosakhera having Khewat No. 268 and 272 as per Jamabandi of year 2017-2018 vide Stamp Paper No. FAW2022E50 dated 23.05.2022 in the presence of witnesses and handed over to the applicants and as per the terms of said agreement to sell, the possession of said 40 Kanals and 0 Marlas was handed over to applicants and in which the applicants are sowing their crops. 3. Thereafter the accused no. 1 Sohan Singh having greed in his mind, tried to get execute the sale deed of land measuring 40 Kanals and 40 Marlas which was sold to the applicants in favour of someone else and the applicants some how got to know about this and they immediately filed a case in Ld. Civil Court Tohana and accused no. 1 Sohan Singh received the summons for the same. But he knowingly did not come present before the Ld. Civil Court. On which the Ld. Civil Court passed the stay orders against accused no. 1 Sohan Singh regarding the said land. 4. That thereafter the applicants convened a panchayat comprising respectable persons from the village against accused no. 1 Sohan Singh. On which accused no. 1 Sohan Singh agreed to get execute the sale deed of said land measuring 40 Kanals and 0 Marlas in favour of the applicants. As per which the applicants on dated 15.06.2023 purchased stamp papers of Rs. 8,15,000/- to get execute the said land measuring 40 Kanals 0 Marlas and when accused no. 1 Sohan Singh presented the said sale deed before Sub-Registrar Kula Tehsil Tohana for execution then the applicants got surprised to



CRM-M-31686-2024

-4-

know this fact that regarding the said land Jarnail Singh son of Nahar Singh son of Mukhtiar Singh resident of Moosa Khera and Gamdur Singh son of Ram Singh son of Aatma Ram resident of Dhani Babanpur has got passed a stay order against accused no. 1 Sohan Singh from Ld. Civil Court Tohana. Due to which on dated 15.06.2023 the sale deed could not be executed. 5. That on the next day when the applicants made inquiry regarding the case filed by Jarnail Singh and Gamdoor Singh against accused no. 1 Sohan Singh in Civil Court Tohana then they got surprised that accused no. 1 Sohan Singh in connivance with accused no. 2 and 3 namely Gamdur Singh and Jarnail Singh and with intention to cheat the applicants and to grab their Rs. 1,53,00,000/- had prepared an agreement to sell on dated 06.05.2022 under a conspiracy and applicants also got to know that accused no. 1 Sohan Singh had also appeared and record statement in the case filed by Jarnail Singh etc., while despite being summoned in the case filed by the applicants accused no. 1 Sohan Singh had not appeared and he had concealed this fact in Pachayat that he had record statement in favour of Jarnail Singh etc. and the accused no. 1 Sohan Singh under a conspiracy had caused the applicant to purchase stamp duty of Rs. 8,15,000/- without any cause and they caused damaged to the applicant. 6. That the said accused are connived and conspired with each other and their intention to cheat the applicant is clearly from the fact that on one hand accused no. 1 Sohan Singh appeared and record statement in favour of accused no. 2 and 3 and thereafter he concealed the same from Panchayat and to prove him as innocent he went to the Tehsil Office to execute the sale deed in favor of applicants. Because he knows the fact that due to the stay order got by accused no. 2 and 3, the sale deed will not be executed in favour of the applicants. 7. That when on dated 27.05.2023 when the applicants reached at the land measuring 40 Kanals and 0 Marlas sold by the accused no. 1 Sohan Singh for irrigation and to look after it then the accused Gamdur Singh who



CRM-M-31686-2024

-5-

was armed with stick (Danda) and accused no. 1 Sohan Singh who was armed with pistol came there and accused no. 1 Sohan Singh by waiving his pistol threatened the applicants that if you will try to enter into the land then we shall kill you and accused no. 1 Sohan Singh started abusing the applicants. At that time accused Gamdur Singh and Sohan Singh were together and the applicant got recorded the video on mobile phone. From which it is evident that the all the three accused are connived with each other. 8. That regarding the said incident on dated 27.05.2023 the applicant had filed an application against the accused persons before the I/C Police Post Meond Kalan Tehsil Tohana, District Fatehabad and he also showed the video recording to them, but the accused persons are very rich, due to which the police officials of Police Post Meond Kalan did not take any action. Therefore the applicant had to file present applicant before your goodself 9. That the accused had not only committed cheating with the applicants rather they by making efforts to grab the amount of the applicant or by unlawfully entering into the possession of the said land had threatened the applicants to kill by showing pistol which is a serious offence. Therefore the accused are entitled for punishment. Therefore by submitting this application it is prayed that by keeping in view the fact of present application, a case under relevant provisions of IPC shall kindly be registered against the accused for cheating, misappropriation, Arms Act and to threaten the applicant to kill and they shall kindly be punished. Dated 30.06.2023 SD/ 1. Mohan Singh, 2. Binder Singh (Applicants) sons of Gurtej Singh Tej Singh son of Santa Singh resident of village Dhani Babanpur, Tehsil Ratia, District Fatehabad Mob No. 9466591591.

3. The learned counsel for the petitioner contends that a dispute of a civil nature has been converted to a criminal case. The complainant party seeks to enforce an agreement to sell with the help of Police force. Civil



CRM-M-31686-2024

-6-

proceedings have been initiated and the possession of the land is with the present complainant party. As the petitioner was a first-time offender, in custody since 04.02.2024 but none of the 28 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel while referring to the reply dated 03.08.2024 contends that the allegations levelled were serious. The petitioner had entered into agreements of the same land with two different parties knowingly and intentionally to cheat and defraud the complainant. Therefore, the petitioner was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 04.02.2024 but none of the 28 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant contends that the allegations levelled against the petitioner did not entitle him to the grant of bail inasmuch as the complainants had been cheated of a huge amount of money on account of the act and conduct of the petitioner.

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

7. 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

**CRM-M-31686-2024****-7-**

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.”

8. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first-time offender, in custody since 04.02.2024 but none of the 28 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. There are no serious apprehensions 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, in this situation, the further incarceration of the petitioner is not required.

9. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sohan Singh @ Ram Singh son of Gurdev Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

11. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same

2024-PHHC:106560



CRM-M-31686-2024

-8-

would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

20.08.2024

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No