

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32288-2023 (O&M)
Date of Decision:- 9.1.2024

Vikram Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Anurag Arora, Mr. Puneet Bali, Mr. Nitish Pathak and
Mr. Ribhav Singla, Advocates for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

Mr. Kanwal S. Walia, Advocate for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
12	11.9.2019	NRI, Amritsar	420, 406/120-B IPC

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Pritam Singh wherein he alleged that he was a permanent resident of Malaysia and was having some ancestral property in India. While his son and daughter were pursuing MBBS Degree in India, the petitioner is alleged to have represented to the complainant that a company was interested in purchasing parcels of land which were owned by mother and wife of the petitioner and also the land which was owned by wife of the complainant. The complainant asked his wife to execute a

power of attorney in favour of complainant's son so that the deal could be finalized, as had been suggested by the petitioner. The complainant alleged that although the land owned by the complainant's wife was sold for an amount of Rs.2,63,52,000/- but it is only Rs. 1,40,00,000/- which was passed on to the complainant and his family and the remaining amount was siphoned off by the petitioner Vikram Singh.

3. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the sale deeds in question have been registered for a much lesser amount which already stand paid. It has further been submitted that the falsity of the case would be further evident from the fact that while the sale deeds in question were executed and registered way back in the year 2011, the FIR came to be lodged after about 7 years when even the limitation for filing any kind of civil suit had expired. It has further been submitted that the petitioner, in any case, has been behind bars for more than 9 months and since investigation already stands concluded and challan has been presented, the petitioner is not required to be detained any longer.
4. Opposing the petition, the learned State counsel, assisted by learned counsel for the complainant, submitted that since it is a case where huge amount has been siphoned off by the petitioner, and the complainant who is an NRI, has been duped, no leniency is warranted and the petition deserves to be dismissed. The learned State counsel has, however, informed that the petitioner, as on date, has been behind bars since the last about 9 months and that challan already stands presented. It has further been informed that as on date only 1 out of the cited 19 prosecution witnesses has been examined.

5. This Court has considered rival submissions addressed before this Court.
6. The matter mainly pertains to the allegations of the petitioner having cheated the complainant which have already been inquired into and upon conclusion of investigation, challan already stands presented. Conclusion of trial, however, is likely to consume time inasmuch as only 1 out of the cited 19 prosecution witnesses has been examined till date. The petitioner otherwise enjoys a clean record and is not stated to be involved in any other case. In these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9.1.2024

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No