



CRM-M-42508-2021

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

CRM-M-42508-2021

Date of Decision: 17.05.2024

DAVINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. J.S. Khiva, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439(2) Cr.P.C. read with Section 482 Cr.P.C. is for cancellation of the bail granted to respondent No.2 vide order dated 30.10.2020 passed by this Court in CRM-M-25454-2020.

2. The brief facts of the case are that the petitioner/complainant-Davinder Singh got registered the instant FIR against Sahib Singh (respondent No.2), Nirmal Singh sons of Tarsem Singh, Gurminder Singh son of Kulwant Singh and Kuldeep Singh son of Gulzar Singh. The report under Section 173(2) Cr.P.C. was submitted against Sahib Singh (respondent No.2), Nirmal Singh and Gurminder Singh. As per the allegations in the FIR, the respondent No.2 in connivance with his co-accused had duped the petitioner

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to the extent of Rs.43 lakhs on the pretext of one agreement to sell dated 26.02.2019.

3. The respondent No.2 approached this Court for the concession of bail vide CRM-M-25454-2020 titled as “Sahib Singh Versus State of Punjab”. When the petition for bail came up for hearing, a submission was made on behalf of the petitioner that he would apply for vacation of stay before the concerned competent Court and would thereafter execute the sale deed in favour of the petitioner/complainant. Based on the undertaking given, Sahib Singh (respondent No.2) was granted the concession of bail on 30.02.2020. The copy of the said order is attached as Annexure P-2 to the petition.

4. The instant petition has been filed for cancellation of bail as despite the undertaking given the sale deed has not been executed in favour of the petitioner/complainant.

5. The learned counsel for the petitioner contends that the petitioner has been duped of a huge amount of money at the instance of respondent No.2 and his co-accused. He had been granted the concession of bail only because an undertaking had been given on his behalf that on his being released on bail, he would execute the sale deed with respect to the land in question in favour of the petitioner. Despite more than 3 ½ years having elapsed, the sale deed had not been executed in favour of the petitioner and therefore, it was a clear case where the respondent No.2 had violated the conditions under which he had been granted the concession of

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bail and therefore, the order dated 30.10.2020 (Annexure P-2) was liable to be set aside and the respondent No.2 was to be committed to custody.

6. The learned State counsel while referring to the affidavit dated 06.07.2023 contends that the offence against the respondent No.2 and his co-accused stood established beyond reasonable doubt. The respondent No.2 had clearly and apparently violated the undertaking given by him when he was granted bail on 30.10.2020. Therefore, the order dated 30.10.2020 (Annexure P-2) granting bail to respondent No.2 was liable to be set aside and he was to be committed to custody.

7. Mr. J.S. Khiva, Advocate has put in appearance on behalf of respondent No.2 and has filed his Vakalatnama. The same is taken on record. He has sought yet another opportunity to file a reply. However, on being asked as to what was the plausible explanation of the respondent No.2 in not getting the sale deed executed in favour of the petitioner despite an undertaking having been given by him, no response whatsoever is forthcoming.

8. I have heard the learned counsel of the parties.

9. As per the allegation in FIR, the respondent No.2 in connivance with his co-accused had duped the petitioner of an amount of Rs.43 lakhs on the pretext of selling land. The respondent No.2 was arrested and while seeking bail undertook to execute the sale deed with respect to the property in question in favour of the petitioner. He was granted the concession of bail on the basis of the said undertaking. Despite the respondent No.2 being

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released on bail in October, 2020 no attempt whatsoever has been made to execute the sale deed of the land in question in favour of the petitioner. Therefore, clearly, the petitioner has reneged on his undertaking given before this Court when he was granted the concession of bail.

10. In view of the aforementioned discussion, I find considerable merit in the present petition. Therefore, the order dated 30.10.2020 (Annexure P-2) passed in CRM-M-25454-2020 granting bail to respondent No.2-Sahib Singh is set aside. The respondent No.2 is directed to surrender forthwith. Intimation be given to the SSP, Patiala for further necessary action in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

17.05.2024

JITESH

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