



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

CRM-M No.53231 of 2024
Date of decision: 17th December, 2024

Ajit Watts
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Veer Vikram S. Mann, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.
Mr. Harmanpreet S. Mander, Advocate for
Mr. Harpreet S. Multani, Advocate for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of bail under Section 483 BNSS in case FIR No.147 dated 30.12.2023 under Sections 406, 420, 120-B of the IPC registered at Police Station Mullanpur, District SAS Nagar.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 24.07.2024, in connection with allegations of fraud levelled by the complainant. It is contended that the involvement of the petitioner is limited to having introduced the complainant to the co-accused, with whom a Memorandum Of Understanding (MOU) was subsequently executed regarding the sale/purchase of certain property intended for a housing development project.
3. Learned counsel asserts that no substantive role has been attributed to the petitioner beyond facilitating the introduction. The

prosecution has not alleged that any monetary consideration was paid to the petitioner or that the petitioner was to benefit from the sale consideration, which, as per the MOU, pertained solely to co-accused Talwinder Singh Kahlon, and the complainant. Further, a civil suit has already been filed by the complainant for recovery of the amount allegedly paid to the co-accused.

4. It is further submitted that after the petitioner was arrested, not only has the investigation concluded but even the challan stands presented before the learned trial Court. The case primarily hinges on documentary evidence, which is already in the possession of the prosecution, thereby negating any apprehension of tampering with evidence. Moreover, the prosecution has cited 26 witnesses, none of whom have been examined to date, rendering it unlikely that the trial will conclude in the near future.

5. On a pointed query, it has been submitted that the petitioner has no previous criminal antecedents.

6. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner nor the stage of trial. It has also not been disputed that no allegations have been levelled against the petitioner regarding any monetary payment made to him by the complainant. However, the learned State counsel has reiterated the allegations levelled in the FIR in question, annexed as Annexure P-1, and submitted that it was the petitioner who facilitated the introduction between the complainant and the co-accused and was also a signatory to

the MOU. Nonetheless, it is conceded by the learned State counsel, on instructions, that the case of the prosecution is based entirely on documentary evidence.

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

8. The petitioner has been in custody for nearly five months since 24.07.2024. The case at hand is based on documentary evidence and is triable by a Magistrate. It is not disputed that the petitioner is not involved in any other criminal case. Furthermore, none of the 26 prosecution witnesses have been examined to date, and the trial is unlikely to conclude in the near future.

9. Similarly situated co-accused have already been granted bail. In view of the aforementioned facts and circumstances, and considering that the case is based entirely on documentary evidence which is now part of the challan, there can be no apprehension of the petitioner tampering with evidence. This Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is 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.

(MANJARI NEHRU KAUL)
JUDGE

December 17, 2024
rps

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