

2025:PHHC:073004



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8540 of 2025
Date of Decision: 28.05.2025
Reserved on: 23.05.2025

Vijay Kumar ... Petitioner

Versu

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishavjeet Singh Rishi, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
28	11.03.2021	Punjab Agriculture University, District Police Commissionerate Ludhiana	420, 465, 467, 468, 471 and 120-B of IPC

2. As per the allegations in the year 2019, the complainant Sushma Rani had entered into an agreement to purchase a flat owned by the petitioner for a sum of Rs.8 lakhs. A written agreement was executed. The complainant had made payment of the entire sale consideration

2025:PHHC:073004



amount. However, subsequently, she came to know that the petitioner was not owner of the said flat though at the time of execution of agreement, he had shown a letter of allotment. A receipt qua deposit of a sum of Rs.4.5 lakhs to the Improvement Trust in the name of the complainant, that was also handed over by the petitioner to her was also found to be a forged document. The allotment of the concerned flat was found in favour of Gurdev Singh Kaler and after his death, the ownership of the said flat was transferred in the name of his wife Madhu Kaler. The complainant prayed for taking action in the matter as she had been cheated and a wrongful loss had been caused to her. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 28.09.2024. He was interrogated and suffered disclosure statement admitting his involvement in the crime. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No document on the basis of which the petitioner had committed offence of forgery has been got recovered from him. The FIR has been registered only on the basis of photocopy of a receipt which was not issued by the petitioner. No incriminating material has been collected against him. The contents of the complaint/FIR are vague as the complainant could not give details of any particular time, date, month or year when she had paid an instalment money as alleged by her. He is in custody since long. The subject offences are triable by Magistrate. The trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be

2025:PHHC:073004



considered to be a reason for denying benefit of bail to him. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that keeping in view the gravity of the allegations, the petitioner does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused is alleged to have committed the offences of cheating and forgery. He has executed an agreement to sell a flat which was not owned by him. He is, however, in custody since 28.09.2024. The trial will take time to conclude. He is involved in two other cases of similar nature. However, that cannot be considered to be a ground for denying benefit of bail to the petitioner. Keeping in view the period spent by him in custody, the nature of the allegations as levelled against him and the attendant facts and circumstances but without meaning to make any comment on the merits of the case lest the same prejudices the trial, this Court is of the opinion that the petitioner deserves to be released on bail. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

(MANISHA BATRA)
JUDGE

28.05.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No