



CRM-M-8142-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
307 CRM-M-8142-2025
Date of decision: 3rd April, 2025

Japinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jasmail Singh Brar, Advocate for the petitioner.
Ms. Swati Batra, Deputy Advocate General, Punjab.
Mr. B.S. Aulakh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 153 dated 13.08.2024, registered under Sections 420 and 120-B of IPC (offence under Section 201 of IPC added later on) at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. As per the allegations, the complainant Jagmeet Singh had entered into an agreement to purchase 26 kanals 03 marlas of land owned by the petitioner-Japinder Singh. A written agreement was executed on 08.04.2024. An amount of Rs. 15,00,000/- through cheque and Rs. 3,00,000/- in cash, had been given as earnest money, at the time of execution of the agreement. Co-accused Kuldeep Singh, who is a broker/property dealer and who got the transaction done, was given an amount of Rs. 3,00,000/-. The sale deed was to be executed on or before 02.07.2024. On the date so fixed, petitioner did not appear for getting sale deed registered. The complainant then came to know that he had already entered into an



agreement to sell with one Balwinder Singh on 06.03.2024 and this fact was very well known to the co-accused Kuldeep Singh, who was a marginal witness to the said agreement dated 06.03.2024. By alleging that the petitioner in connivance with the co-accused Kuldeep Singh, had cheated him and had caused wrongful loss of money, he prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 23.10.2024. Offence under Section 201 of IPC was added. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 23.10.2024. The original agreement to sell has not been made part of challan report. The dispute between the parties is of civil nature as infact it is a case of advancing loan and not a case of bargain to sell land. He has a permanent abode. There are no chances of his absconding. He does not have any criminal antecedents apart from a complaint filed under Section 138 of Negotiable Instruments Act. His further incarceration would not serve any useful purpose. Accordingly, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Deputy Advocate General, Punjab assisted by learned counsel for the complainant that there are serious allegations against the petitioner as despite executing agreement to sell in favour of Balwinder Singh on 06.03.2024, he entered into another agreement to sell that very land in with the complainant by on 08.04.2024. He also received a sum of Rs. 18,00,000/- from the complainant obviously to cheat him by inducing him that his land was free from any encumbrances. Allegations against him are



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grave in nature. Accordingly, it is urged that he does not deserve to be released on bail.

5. Rival contentions of both sides have been considered.

6. The petitioner had admittedly entered into an agreement to sell his land to the complainant and had received a sum of Rs. 18,00,000/- as earnest money from the complainant, despite the fact that an agreement had already been executed by him qua the same land in favour of co-accused Balwinder Singh. The offences alleged against the petitioner are triable by Magistrate. Investigation stands concluded. Trial would take time as no witness has been examined by the prosecution so far. His involvement in one more case cannot be considered to be a ground for denying benefit of bail to him. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd April, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No