



CRM-M-7832-2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
305 CRM-M-7832-2025
Date of decision: 3rd April, 2025

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. G.S. Hayer, Advocate for the petitioner.
(through VC)
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 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 accused 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. The petitioner Kuldeep Singh, who was the broker/property dealer and had 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, accused Japinder Singh did not appear for getting the 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 petitioner, since was a marginal witness to the said agreement dated 06.03.2024. By alleging that the petitioner in connivance with the co-accused Japinder 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 was not a witness to the agreement to sell dated 08.04.2024. He had no role to play in this case. The entire earnest money amount had been handed over to co-accused Japinder Singh. The dispute is civil in nature. The vendee of agreement to sell dated 06.03.2024, has already filed a civil suit against accused Japinder Singh. It is a case of not honouring of the agreement to sell by co-accused Japinder Singh. He is in custody since long. Trial would take considerable time. No recovery has been effected from him, nor the same is to be effected. 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. Learned Deputy Advocate General, Punjab, assisted by learned counsel for the complainant has argued that keeping in view the specific nature of the allegations as levelled against the petitioner, he does not deserve to be released on bail and the petition does not deserve to be allowed.

5. Rival contentions of both sides have been considered.

6. The petitioner is alleged to have played a role of broker in the



execution of agreement to sell between the complainant and the co-accused Japinder Singh on 08.04.2024. He was to earn commission of Rs. 3,00,000/- in the said deal. As per the allegations, he was a marginal witness to an agreement already executed by the accused Japinder Singh in favour of one Balwinder Singh, qua the same land and in connivance with the co-accused, he had induced the complainant to buy such land in order to cheat him. The subject offence is triable by Magistrate. The petitioner is in custody since 28.10.2024. Trial is likely to take time. His further detention would be of no use. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case lest they prejudice the trial, 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 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*