



CRM-M-20921-2025

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

CRM-M-20921-2025
Decided on : 28.04.2025

Avtar Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Maninder S.Saini Advocate, for the petitioner.
 Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.117, dated 09.09.2024, registered under Sections 406, 420 and 120-B IPC, at Police Station Sadar Patiala, District Patiala.
2. Succinctly, facts of the case are that FIR in the present case was registered on the statement of the complainant, namely, Manjinder Singh. As per allegations made in the FIR, Gurvinder Singh was his parental uncle's son and he knew about the family of the complainant that they had sold the land in June, 2021 and had enough money with them. Hence, Gurvinder Singh alongwith Kulwinder Singh and his brother Gurwinder Singh clandestinely came to the complainant for trapping him in their evil desire. It was told to the complainant that Gurvinder Singh was owner of 11 bighas of land and they intended to raise a colony thereon and would construct the flats. The complainant was assured by them that they would get register the first flat at a low rate in his name and thus, he could earn the profit with the same. The complainant trapped by them and he transferred a heavy amount to them on their assurance of transferring the flat in his name.



The complainant found himself cheated as neither any construction started nor his money was returned. Request was made to take legal action. On the registration of the FIR, the investigation commenced. Complicity of the petitioner was *prima facie*, found and hence, he was arrested on 17.02.2025. The petitioner approached the Court of learned Additional Sessions Judge, Patiala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 09.04.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that from perusal of the FIR, it is apparent that no specific allegations have been made against the petitioner. He submits that in the agreement to sell dated 27.09.2021, there were four vendors, but the petitioner was not the party. He submits that no amount had every been remitted by the complainant into the account of the petitioner. He submits that neither the petitioner is a vendor nor a vendee and thus, he is not concerned with the allegations made in the FIR. He submits that the original target for the execution of the sale deed was 31.03.2022, which was extended to 30.09.2022. He submits that total sale consideration for the agreement was Rs.1,23,00,000/-. He submits that the enquiry conducted by the prosecution is totally biased and the investigation conducted was not based on the factual evidence. He submits that there is no financial transaction taken place with the petitioner. He submits that the dispute as alleged is totally of civil nature and thus, from the facts and circumstances



of the case, it is apparent that false implication of the petitioner is writ large. He, thus, submits that the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the complainant was trapped by the petitioner alongwith the co-accused. It is submitted that rate of the apartment was fixed to be Rs.1,23,00,000/- and pursuant to the assurance given, the complainant had parted with a heavy amount. It is submitted that on the complaint filed, the enquiry was conducted by DSP, Head Quarter, wherein, it was found that Gurvinder Singh was engaged in investing money in chit fund companies to earn profits. He has contended that on enquiry, it was revealed that Gurvinder Singh had deposited the amount taken from the complainant in to the account of petitioner Avtar Singh. He, thus, submits that there is a transaction of money taken place from the complainant into the account of the petitioner. It is submitted that the trial is at its initial stage and keeping in view the gravity of the offence, no case is made out for grant of bail to the petitioner at this stage.

5. Heard. It is deciphered from the arguments advanced by counsel for the parties and perusing the record that complicity of the petitioner was *prima facie* established during the investigation. On the basis of the complaint filed, enquiry was carried out by DSP, Head Quarter, wherein, it was found that the amount taken by Guvinder Singh was transferred into the account of the petitioner. Thus, the petitioner has been found to have usurped a heavy amount taken from the complainant. It is apparent that the trial is at its initial stage and granting bail to the petitioner at this stage, would prejudice the ongoing trial. Keeping in view the gravity

of offence and the stage of the trial, this Court finds that the petitioner does not deserve the concession of bail at this stage. Thus, finding no merit in the present case, the same is hereby dismissed.

6. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

28.04.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned	: Yes/No
	Whether Reportable	: Yes/No