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

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**CRM-M No.21537 of 2025
Date of Decision: 29.04.2025**

Mandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aakash Singla, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab,
for the respondent-State.

Mr. Dinesh Trehan, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") for grant of regular bail in case arising out of FIR No.3 dated 08.01.2024 registered under Sections 420, 465, 467, 468, 471 and 120-B of IPC at Police Station Model Town, Ludhiana, District Police Commissionerate Ludhiana. The first petition filed by him had been dismissed as withdrawn whereas the second petition bearing CRM-M

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No.57745 of 2024 had been dismissed vide order dated 13.01.2025.

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of a complaint lodged by complainant Deepak Kathuria alleging therein that the non-applicants-accused Tarun Taneja, Harvinder Singh Sachdeva and Parminder Singh Sachdeva who are property dealers and other co-accused had represented to his uncle and himself that a property bearing SCO No.105 Urban Estate, Dugri, Ludhiana which was owned by the present petitioner was available for sale. They had introduced the complainant and his uncle with the petitioner who while representing himself to be the owner of the above stated property had shown documents of his title and clearance certificates etc. and convinced them that the same were in order. Believing the representations made by them and on being induced by them, the complainant along with his uncle had entered into an agreement to purchase the abovestated property for a sum of Rs.5,50,00,000/-. Earnest money to the tune of Rs.1,25,00,000/- was given to the petitioner in the presence of the co-accused. The complainant and his uncle were taken by the co-accused to the office of Greater Ludhiana Area Development Authority (For short "GLADA") and he was convinced by the co-accused Amit Kumar posted as Computer Operator that the said property was infact owned by the petitioner. The sale deed was also executed later on after payment of remaining sale consideration amount. However, subsequently, the complainant came to know that on the basis of fake documents of ownership, the petitioner while

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conniving with the co-accused had sold a property in his favour by preparing fake sale deed. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 09.01.2024 and presently, he along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner is in custody long. The trial is going on at snail's pace and there is no likelihood of its conclusion for a considerable time. Most of the co-accused have been extended benefit of bail. The subject offences are triable by Magistrate. The prolonged incarceration of the petitioner is sufficient ground to extend benefit of bail to the petitioner. The same itself also amounts to substantive change in the circumstances. Accordingly, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Ms. Swati Batra, DAG, Punjab has advance notice of the petition. Custody certificate has been filed by her. Power of Attorney on behalf of the complainant has been filed. Learned Deputy Advocate General, Punjab assisted by learned counsel for the complainant are ready to argue the matter and have submitted that the previous petition as filed by the petitioner was dismissed on merits vide order dated 13.01.2025 by making a detailed discussion. The allegations against the petitioner are very serious in nature. Infact, he was the mastermind of the crime as it was he who represented before the complainant that he was owner of SCO No.105,

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Phase-1, Dugri Ludhiana and was having valid documents of title in the form of allotment letter, clearance certificate etc. in his favour whereas he fully knew that the same were fake. It is argued that there is no substantive or specious change in the circumstances which might entitle the petitioner to be released on bail. Bail applications of many co-accused who have actively participated in the occurrence have been dismissed. The trial is going on at a proper pace. Accordingly, it is urged that no ground for allowing the petition is made out.

6. This Court has considered the rival submissions.

7. The previous petition as filed by the petitioner for grant of regular bail was dismissed on 13.01.2025 by making detailed discussion on merits. The instant one has been filed within a period of three and half months of the date of passing of the order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two

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applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

8. After hearing the contentions as raised by learned counsel for the parties, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration is not a ground to extend any such benefit. The petitioner by conniving with the co-accused is alleged to have represented himself to be owner of a shop-cum-office (SCO) property falling within the area of GLADA and by representing so he induced the complainant and his uncle to enter into an agreement to purchase that property for a sum of Rs.5,50,00,000/-. The sale deed was executed in favour of the complainant and his uncle on the basis of fake documents of title thereby causing huge loss to the complainant and his uncle. The allegations against him are serious in nature. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as

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made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

29.04.2025
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(MANISHA BATRA)
JUDGE

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