



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

228

**Date of Decision:- 26.05.2025
CRM-M-27226-2024 (O&M)**

LOKESH KUMAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CRM-M-31499-2024 (O&M)

IQBAL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Lakshay Bector, Advocate
for the petitioner in CRM-M-27226-2024.

Mr. V.S. Mahal, Advocate
for the petitioner in CRM-M-31499-2024.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

Ms. Apoorva Walia, Advocate for
Mr. Saurav Bhatia, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

1. By this common order, the above-mentioned two criminal miscellaneous petitions shall be decided, as they arise out of same FIR.

2. The instant petitions have been preferred by the petitioners



under Section 439 CrPC for grant of regular bail to the petitioners in the following case :-

FIR No.	Dated	Sections	Police Station
129	06.12.2022	420, 467, 468, 471 and 120-B IPC	Mullanpur, District SAS Nagar, Mohali, Punjab

3. It is, *inter alia*, contended by learned counsels for the petitioners that the petitioners are innocent and have been falsely implicated in this case. They contend that that the agreement to sell (Annexure P-2) was executed on the basis of another agreement to sell dated 24.06.2021 executed between the original owner Jarnail Singh and the petitioner-Lokesh Kumar and it was bonafidely made without there being any intent to fraud. They further contend that even the cheques mentioned in the agreement have not been encashed till date. They submit that the petitioners are in custody since 20.11.2023 and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, pray for grant of concession of bail to the petitioners.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant and while referring to the replies filed by the State in the respective petitions, has opposed the petition on the ground that the petitioners have fabricated the agreement to sell with one Jarnail Singh and the parties thereafter executed another agreement to sell (Annexure P-2) with the complainant and defrauded the complainant. On a specific query, learned counsel for the complainant has not disputed the fact that the



cheques mentioned in the agreement have not been encashed till date. They submit that the petitioners do not deserve the concession of bail and pray for dismissal of the petitions.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that the allegations against the petitioner-Lokesh Kumar are that he had fabricated the agreement with one Jarnail Singh proclaiming himself to be the owner of the property and executed the agreement (Annexure P-2) with the complainant and had taken money, although he was not the owner thereof. The petitioner-Iqbal Singh is alleged to have facilitated him in the commission of offence. Both the petitioners are in custody since 20.11.2023 and after the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 17 witnesses, however, none has been examined till date. The criminal liability, if any, of the petitioners, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioners any longer.

7. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.



8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

26.05.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No