



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42949-2024
Date of Decision:11.02.2025

Gurlal Singh @ Rashpal Singh ...Petitioner

vs.

State of Punjab and Anr. ...Respondents

(ii) CRM-M-55329-2024

Rajwinder Singh ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. A.S Brar, Advocate
for the petitioner in CRM-M-42949-2024.

Mr. J.S Mundi, Advocate
for the petitioner in CRM-M-55329-2024.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Kamaldip Singh Sidhu, Advocate
for the complainant in CRM-M-42949-2024.

N.S.Shekhawat J. (Oral)

1. This order shall dispose of two bail petitions i.e. CRM-M-42949-2024 titled as “Gurlal Singh @ Rashpal Singh Vs. State of Punjab and Anr.” and CRM-M-55329-2024 titled as “Rajwinder Singh Vs. State of Punjab”, whereby the petitioners have prayed for grant of regular bail to them in case FIR No.40, dated 30.03.2024, registered under Sections 420,467,468,471 of IPC,120-B of IPC added later on, at Police Station Baghapurana, District Moga.

2. Learned counsel for the petitioner Gurlal Singh @ Rashpal Singh (petitioner in CRM-M-42949-2024) submits that as per the case of the prosecution, the petitioner had only signed as an marginal witness on the agreement to sell executed between the complainant and one Rajwinder Singh. He further contends that in fact, the petitioner had appeared as a witness on the asking of the Sukhwinder Singh, a friend and had no concern with the alleged transactions, which had taken place in the present case. He further contends that the petitioner was arrested in the present case on 25.06.2024 and the challan has already been presented against him.

3. On the other hand learned counsel appearing on behalf of the Rajwinder Singh (petitioner in CRM-M-55329-2024) submits that as per the allegations levelled by the prosecution, Balwinder Singh had impersonated as Rajwinder Singh and had allegedly sold the land to the complainant, after accepting a sum of Rs.83,50,000/-. He further contends that the case is based on documentary evidence and the entire evidence has already been collected during the process of investigation. The petitioner was arrested in the present case on 22.05.2024 and is in custody since then. Even the challan has been presented against him and the custody of the petitioner may not be required.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer made by learned counsel for the petitioner(s) on the ground that the land was initially owned by Rajwinder Singh (petitioner in CRM-M-55329-2024) and he had colluded with his brother-in-law namely Balwinder Singh and they both had received an amount of Rs.83,50,000/- from the complainant illegally. Thus, a huge loss has been caused to the complainant and they do not deserve the concession of bail. He further contends that two more FIRs of similar nature has

been registered against Rajwinder Singh (petitioner in CRM-M-55329-2024)

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is not in dispute that the petitioners were arrested in the present case on 25.06.2024 and 22.05.2024, respectively and the petitioners can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***.

7. The challan has already been presented against both the accused and the trial is at nascent stage against both of them. Thus, no purpose will be served by keeping the petitioners behind the bars.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial on their furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

(N.S.SHEKHAWAT)
JUDGE

11.02.2025
hitesh

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