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221 (1st case)

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

CRM-M-49274-2024 (O&M)
Date of decision: 15.01.2025

Ram Rajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. A.S.Gulati, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab for the respondent.

Mr. Varun Jain, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of bail pending trial to the petitioner in FIR No.395 dated 02.12.2023, under Sections 419, 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860; Section 82 of the Registration Act, 1977, registered at Police Station Tripuri, District Patiala.

(2) Above FIR was got registered on the statement of complainant-Manoj Kumar with the allegations that he purchased a plot measuring 162 square yards, situated at Friends Colony, Tafazalpura from the petitioner, who had purchased the said plot from Balwinder Singh and Davinder Singh, (attorneys of Kanwaljit Singh & Amarjit Singh). However, later on, the said

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attorneys were found to be forged and it was also found that petitioner and one of the said attorneys i.e. Davinder Singh were close relatives. Thus, petitioner in connivance with other co-accused had played a fraud on the pretext of selling the aforesaid plot.

(3) It transpires that initially complaint dated 12.01.2018 of Manoj Kumar was clubbed with another complaint of Ms. Munni Devi and a combined FIR No.57 dated 19.04.2018 was registered regarding two plots and *qua* FIR No.57, charges have already been framed on 25.09.2018 and now trial is stated to be pending. P.O. proceedings have been initiated against co-accused Balwinder Singh & Davinder Singh. On earlier occasion, aggrieved against the non-registration of separate FIR, complainant in the present case, namely, Manoj Kumar approached this Court by way of CRM-M-27908-2018, under Section 482 Cr.P.C. for seeking appropriate action on the basis of complainant dated 12.01.2018 and which was disposed off by the then Co-ordinate Bench vide order dated 06.09.2022. Aggrieved against the order dated 06.09.2022 (*supra*), the complainant approached Hon'ble the Supreme Court and during pendency of S.L.P. (Crl.) No.11359-2022 in CRM-M-27908-2018, present FIR was registered by the police on 02.12.2023.

(4) Contends that petitioner was arrested in the present case on 15.04.2024 and after remaining in custody for about 08 months, was granted interim bail by this Court on 08.11.2024. Further contends that in pursuance of the aforesaid order, he is regularly appearing before learned trial Court.

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Also contends that there is no allegation that petitioner is likely to misuse the concession or hamper the proceedings in any manner. Lastly contends that charges are yet to be considered; thus, trial will take sufficient long time.

(5) *Per contra*, learned State Counsel, on instructions from quarter concerned as well as learned Counsel for the complainant, have fairly conceded the above factual position and submit that petitioner is regularly appearing before learned trial Court. Also acknowledged that petitioner has not misused the concession of interim bail granted by this Court on 08.11.2024.

(6) Heard learned Counsel for the parties and perused the paper-book.

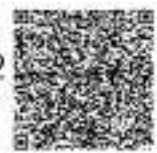
(7) This Court, on 08.11.2024, granted interim bail to the petitioner in following manner:-

“To be heard along with CRM-M-43974-2024 on 15.01.2025.

Since challan has already been presented, therefore, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

(8) Learned State Counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case interim bail is made absolute, he is likely to misuse the concession or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.

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(9) Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 08.11.2024, is made absolute. He shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(10) Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

(11) The above observations be not construed as an expression of opinion on the merits of the case.

(12) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.

(13) Disposed off accordingly.
Pending application(s), if any, shall also stand disposed off.

15th January, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>