

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:177031



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CRM-M-52889-2025 (O&M)
Date of decision:22.12.2025

Mandeep Singh Bawa

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanpreet Singh Kalra, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Dinesh Trehan, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The petitioner, who is booked for offences punishable under Sections 420, 465, 467, 468 and 471 read with Section 120-B IPC vide FIR No.03, dated 08.01.2024, registered under Sections 420, 465, 467, 468, 471, 120-B IPC, at Police Station Model Town, District Police Commissionerate Ludhiana has filed this 4th petition seeking indulgence of this Court for grant of regular bail. First petition as filed by him has been dismissed as withdrawn whereas two petitions were dismissed by passing detailed orders.

2. Specific allegations against the petitioner are that he represented himself as owner of a property bearing SCO No.105, situated at Urban Estate, Dugri, Ludhiana and in connivance with the co-accused, induced the complainant to enter into an agreement to sell the same to the latter for a

sum of Rs.5.50 Crores though he was not owner of that property. In connivance with the co-accused, he also prepared fake documents of ownership and even a fake sale deed was prepared. He was taken into custody on 09.01.2024. The third petition as filed by the petitioner was dismissed by making the following observations:

“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 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.”

3. The main ground as taken by the petitioner in this petition is that

the co-accused Meena @ Meenakshi and Manjeet Singh @ Jassa have been extended benefit of regular bail by this Court whereas accused Upjeet Singh has been extended benefit of bail by the Hon'ble Supreme Court. It is also submitted that he is suffering from several ailments. It is urged that on parity, the petitioner deserves to be released on bail. He is in prolonged custody as he has faced incarceration for a period of 01 year and 10 months. The subject offences are triable by the Magistrate. His prolonged incarceration is a sufficient reason for allowing bail to him. The trial will take considerable time to conclude as only 01 witness has been examined so far. It is, therefore, argued that the petition deserves to be allowed.

4. To fortify his arguments, learned counsel for the petitioner has placed reliance upon authorities cited as ***Sanjay Chandra Vs. C.B.I., 2012 AIR (SC) 830, State of Kerala Vs. Raneef, 2011 AIR (SC) 340*** and ***Dipak Shubhashchandra mehta Vs. CBI, 2012 AIR (SC) 949.***

5. Status report and custody certificate have been filed. Learned State counsel assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner. He was the kingpin of the crime as by representing himself as lawful owner of the property in question, he induced the complainant to part with a huge amount of money on the basis of fake documents of title in the form of allotment letter, clearance certificate etc. His intention to cheat the complainant since the very beginning is clearly reflected. He also committed offences of forgery and use of forged documents. His previous petitions had been dismissed by passing detailed orders. There is no substantive and spacious change in the circumstances. The petitioner while being lodged in jail also,

has been extending threats to the complainant. There are chances of his intimidating the witnesses including the complainant, if extended benefit of bail. It is also argued that case of the petitioner cannot be stated to be at parity with the case of co-accused. It is, therefore, stressed that the petition deserves to be dismissed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. In **Sanjay Chandra's case (supra)**, the Hon'ble Supreme Court had observed that grant or refusal to grant bail lied within the discretion of the Court. The same was regulated to a large extent by the facts and circumstances of each particular case, but at the same time, right to bail is not to be denied merely because of sentiments of the community against the accused. The primary purpose of bail in a criminal case is to relieve the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the Court whether before or after conviction, to assure that he will submit to the jurisdiction of the Court and be in attendance thereof, whenever his presence is required. It was also observed that refusal of bail is a restriction on personal liberty of the individual guaranteed under Article 21 of the Constitution of India and when there is delay in trial, bail would be granted to the accused. The object of bail is neither punitive nor preventative. In that case, the Hon'ble Supreme Court directed release of the accused on bail while making the following observations:

“We are conscious of the fact that the accused are charged with economic offences of huge magnitude. We are also conscious of the fact that the offences alleged, if proved,

may jeopardize the economy of the country. At the same time, we cannot lose sight of the fact that the investigating agency has already completed investigation and the charge sheet is already filed before the Special Judge, CBI, New Delhi. Therefore, their presence in the custody may not be necessary for further investigation. We are of the view that the appellants are entitled to the grant of bail pending trial on stringent conditions in order to allay the apprehension expressed by CBI.”

8. In **Raneef's case (supra)**, the Hon'ble Supreme Court had granted bail to the accused, who was booked for commission of the offences punishable under the provisions of Unlawful Activities (Prevention) Act, 1961, by observing that in deciding bail applications, an important factor, which could be taken into consideration was the delay in concluding the trial.

9. In **Dipak Shubhashchandra Mehta's case (supra)**, the Hon'ble Supreme Court had observed that while granting bail, the Court should exercise its discretion in a judicious manner and not as a matter of course. Detailed examination of evidence and elaborate documentation of the merits need not be undertaken. The factors that should be taken into consideration are; the nature of accusation and severity of punishment in case of conviction, reasonable apprehension of tampering with the evidence or apprehension of threat to the complainant, prima facie satisfaction of the Court in support of the charge and the likelihood of the accused fleeing from justice.

10. The petitioner by hatching conspiracy with the co-accused had allegedly committed offences of cheating, forgery and use of forged documents. He is in custody for over a period of 01 year and 10 months. The

trial has commenced. Complainant stands examined and as such, it cannot be stated that there are any chances of petitioner's intimidating the witnesses. Co-accused Upjeet Singh, whose case is on similar footings has been extended benefit of bail by the Hon'ble Supreme Court. Ever since the dismissal of the third petition as filed by the petitioner, a period of more than 08 months has expired but the trial has not progressed much. The petitioner cannot be kept in custody for indefinite period of time. Obviously, the petitioner is not required for further investigation. Taking into consideration the above discussed facts and circumstances, this Court is of the considered opinion that the petitioner has made out a case for his release on bail at this stage. Accordingly, the petition is allowed and he is ordered to be admitted to bail, subject to his furnishing personal as well as surety bonds to extent of two sureties in the like amount each and further subject to the following conditions:

1. He will not directly or indirectly make any inducement, threat to the complainant or any other person acquainted with the facts of the case.
2. He will not try to have contact with the complainant or other material witnesses through phone by himself or through any other person during the pendency of the case, so as to dissuade them.
3. He will appear before the learned trial Court on each and every date of hearing fixed before it except his presence is exempted by learned trial Court.
4. He shall surrender his passport, Aadhaar card and furnish details of permanent as well as temporary address, where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
5. He will not dispute his identity as accused in this case.

6. The petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times during trial.
11. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

22.12.2025

harjeet

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

(MANISHA BATRA)
JUDGE