

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-60104-2023 (O&M)
Date of decision:-06.05.2025

SWARN SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Kulwinder Bhargav, Advocate for the petitioner.

Mr. Jatinder Pal Singh, AAG, Punjab.

Mr. Puneet Kapoor, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioners under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
0047	22.08.2023	406, 420, 419, 465, 467, 468, 120-B IPC	Handesra, District SAS Nagar Mohali

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, he has no concern with the alleged transaction, the petitioner neither received any amount in the alleged transaction nor is he the beneficiary thereof. The petitioner was in custody since 19.09.2023 and was granted concession of interim bail vide order dated 08.02.2024, since then he has not misused the concession of bail and is regularly appearing in the trial Court. Hence he



prayed for grant of concession of regular bail by confirming the interim bail.

3. *Per contra* learned State counsel assisted by learned counsel for the complainant, referring to the reply filed by the State have assailed these arguments by submitting that the petitioner alongwith co-accused had committed fraud with the complainant pertaining to sale-purchase of the land and got ₹46 lakhs by the petitioner posing himself to be the owner thereof. They contend that the petitioner is not entitled to concession of bail and prayed for dismissal of the bail petition. However, they had not disputed the fact that no amount was paid to the petitioner in the said transaction. They have also not disputed the fact that petitioner has not misused the concession of interim bail and is regularly appearing in trial.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of the complainant on the allegations that his friend Devinder Pal Singh Mavi who is living in Canada had requested him to look after his property in India and also to find out some property in tricity, accordingly he contacted his colleague Onkar Chand to introduce him to Dev Singh and Dev Singh allegedly shown some property in village Ganaur and other area by introducing the complaint to the petitioner posing as owner thereof. The complainant paid ₹46,00,000/- to the accused. As per the allegations, the petitioner allegedly posed as owner of the property. Although, the complainant alleges to have paid ₹46 lakhs as sale consideration but during course of arguments it is not disputed that no amount was paid to the petitioner. Therefore, the petitioner is not the beneficiary of the transactions. The petitioner was arrested on 19.09.2023 and was granted concession of



interim bail on 08.02.2024, challan has already been presented in Court of learned Magistrate where the trial is going on and there is nothing on record that the petitioner has misused the concession of interim bail till date. The conclusion of trial to ascertain criminal liability, if any, on the part of the petitioner in the case triable by the Court of Magistrate will take sufficient long time and considering the fact that petitioner is not the beneficiary of the transaction and also the fact that he has not misused the concession of interim bail till date no purpose would be served by sending him into custody again.

5. Keeping in view the fact that after being granted interim bail by Co-ordinate Bench, petitioner has not misused the same and is regularly appearing in the learned trial Court, in these circumstances, without commenting on the merits of the case, the interim bail granted to the petitioner vide order dated 08.02.2024 is hereby confirmed, the present petition is allowed with the direction to the petitioner 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.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

7. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

06.05.2025

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