



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

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CRM-M-56985-2024 (O&M)

Date of decision: February 17th, 2025

Gurnam Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ajaivir Singh, Advocate
for the petitioner.

Mr. Shiva Khurmi, Assistant Advocate General, Punjab.

Mr. Vibhav Sehgal and Mr. Gagandeep Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of regular bail in FIR No.93 dated 20.07.2024 under Sections 406, 420, 120-B of the IPC registered at Police Station Meharban, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which arises out of an alleged agreement to sell dated 21.03.2022. As per the allegations, the petitioner along with his father, entered into an agreement to sell land measuring 31 kanals to the complainant, allegedly undertaking to partition the land, clear an outstanding bank loan, and thereafter execute the sale deed upon receipt of the balance sale consideration. Allegedly, an advance amount of ₹1 crore was paid to the petitioner, which was subsequently misappropriated.

3. Learned counsel for the petitioner submits that the dispute between the parties is purely civil in nature and has been given a criminal colour with *mala fide* intent. It is contended that the petitioner never received any money from the complainant and had no intention to defraud. Furthermore, it is argued that the petitioner has been in custody since 04.10.2024 in a case that is tribal by a Magistrate. Since only the charge sheet has been filed and the trial is yet to commence, the conclusion of trial is likely to take considerable time. It is further contended that the entire case is based on documentary evidence, and, in such circumstances, further incarceration of the petitioner would serve no useful purpose.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer for bail. It is submitted that the allegations against the petitioner are serious, as he, along with his father, induced the complainant into entering into the agreement to sell and subsequently misappropriated the advance payment of ₹1 crore. However, learned counsel for the State, on instructions, does not dispute the fact that the challan in the case has already been presented. It is also not disputed that the case of the prosecution is primarily based on documentary evidence, which is now part of the challan.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner has been in custody since 04.10.2024 in a magisterial trial. The investigation stands concluded, and the charge sheet has already been presented before the trial Court. Concededly, the entire documentary evidence on which the case of the prosecution

hinges is already in the custody of the investigating agency. Given these circumstances, no useful purpose would be served to keep the petitioner in custody.

7. In view of the foregoing discussion and considering the totality of facts and circumstances of the case, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 17th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No