



CRM-M-59382-2024 and
CRM-M-64641-2024

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 16th July, 2025

208 CRM-M-59382-2024

Kulwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

209 CRM-M-64641-2024

Harinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hardik Ahluwalia, Advocate for the petitioners.
Ms. Himani Arora, Assistant Advocate General, Punjab.
Mr. Abhishek Sharma, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

This common order shall dispose of above mentioned both petitions for grant of anticipatory bail, filed by the petitioners, as they are similar in nature and have arisen out of the same FIR, details of which are given as follows:-

FIR No.	Dated	Police Station	Sections
124	17.09.2024	Dugri, District Police Commissionerate	420 and 120-B of IPC

2. The aforementioned FIR was registered on the basis of complaint lodged by the complainant Jagjit Singh, Director of M/s Jujhar Construction, on the allegations that his company was involved in real estate and construction business. The petitioners, along with broker Yogesh Dutta,



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had approached the company for sale of their land falling within the revenue estate of village Dharamgarh, Tehsil Mohali District, SAS Nagar. An agreement was executed between them on 06.10.2016 for sale of 17 kanals, 14 marlas of land owned by petitioners. The sale consideration price was fixed at the rate of Rs. 2.38 crore per acre. At the time of execution of agreement, cheques amounting to Rs. 2 crore were given to the petitioners, which were encashed by them. The sale deed was to be executed on 17-04-2017 on receipt of balance sale consideration amount. However, subsequently, time for execution of sale deed was extended to 36-07-2017 and on demand of the petitioners, the complainant had given cheques for amount of Rs. 2.80 crore to the petitioners. The petitioners had undertaken to get the partition proceedings of the subject land and its demarcation completed prior to the date fixed for registration of sale deed. Subsequently, the petitioners expressed inability to execute sale deed on the pretext that a civil suit had been filed by their relatives. The said suit was withdrawn on 04-02-2020. When the complainant approached the petitioners again to execute sale deed, they disclosed that another suit had been filed against the land in question. They received more amount of money from the complainant and kept on putting off the matter on one pretext or the other. The complainant then came to know that the petitioners had already sold part of the land in question and had extracted money from him with dishonest/fraudulent intention to cheat him. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending their arrest, the petitioners moved an application for grant of pre-arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 13-11-2024.



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3. Vide order dated 28.11.2024 passed in CRM-M-59382-2024 and order dated 20.12.2024 passed in CRM-M-64641-2024, the petitioners were directed to join the investigation. They have joined the same on 12.02.2025.

4. It is argued by learned counsel for the petitioners that both of them have joined investigation on 12-02-2025. Their custodial interrogation is not required. The dispute between the parties is civil in nature, which has been given a criminal color. A suit for specific performance of contract as filed by the petitioner is pending. The allegations make out a case of breach of contract at the most, and as such, ingredients for commission of offence of cheating have not been made out at all. It is, therefore, argued that the order of interim bail as passed in their favour deserve to become absolute. To fortify his arguments, learned counsel for the petitioner has placed reliance upon the authorities cited as *Sarabjit Kaur vs. State of Punjab and another, 2023 SCC Online SC 210*, *Mitesh Kumar J. Sha vs. State of Karnataka and others, 2022(14) SCC 572*, *Champa Kumari Gupta vs. U.T. of J& K and another, Doc Id #2578824*, *Tirumalasetti Vaikunta Rao vs. State of Andhra Pradesh and others, Doc Id # 2562822*, *Suresh vs. Mahadevappa Shivappa Danannava and another, 2005(1) Cri App R (SC) 277*, *Naresh Kumar vs. State of Punjab, 2023(2) Law Herald 1284* and *Piara Singh vs. State of Haryana and another, 2011(2) RCR(Criminal) 416*.

5. Reply has been filed by the complainant. It is argued by learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant, that though the petitioners have joined the investigation, however, there are serious and specific allegations against them. They had



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extracted a sum of more than Rs. 2 crores from the complainant on the pretext of executing sale deed of their land in their favour. However, they kept on putting off the matter on one pretext or other. Their dishonest intention since the very beginning stands, prima facie proved in view of their act and conduct. They have executed three sale deeds, qua the same property, before registration of the FIR. It is therefore argued that they do not deserve to be extended benefit of pre-arrest bail, which is discretionary relief to be granted in extraordinary and exceptional circumstances. It is, therefore, urged that the petitions do not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. Admittedly, the petitioners had executed an agreement to sell their land to the complainant. It is also not in dispute that they received the amount of money as alleged in the FIR, from the complainant and did not execute any sale deed in his favour. It has also come on record that a suit seeking specific performance of the agreement in question as filed by the complainant, is pending. It is a debatable question as to whether, the petitioners had fraudulent or dishonest intention right at the beginning of the transaction or not? Such a question has to be decided on the basis of thorough assessment of the evidence to be produced during trial and not at this stage. The case is also based on documentary evidence. Custodial interrogation of the petitioners as such is not required. They have joined the investigation. Given the nature of the allegations, this court is of the considered opinion that no purpose would be served by incarceration of the petitioners, as such, a case is made out for granting pre-arrest bail to the petitioners. Accordingly, the petitions are allowed and the orders dated



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28.11.2024 and 20.12.2024, respectively granting interim bail to the petitioners are made absolute, subject to the following conditions:-

(i) the petitioners shall cooperate with the investigation and shall appear before the Investigating/Arresting officer as and when required.

(ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) they shall not commit any similar offence while on bail.

(iv) they will not leave the country without permission of the trial Court and that their passport be deposited before the learned trial Court.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10. Since the main petitions have been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]
JUDGE**

16th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*