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2025:PHHC:159922



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Gurwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of decision: November 18, 2025
Date of Uploading: November 18, 2025

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Gopal Singh Nahel, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Sant Pal Singh Sidhu, Senior Advocate with
Mr. Udayveer Singh, Advocate and
Mr. Deepdaman Singh, Advocate for the complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case bearing FIR No.241 dated 16.09.2024, registered for the offences punishable under Sections 406, 420 & 120-B of the Indian Penal Code, 1860 (for short ‘IPC’), at Police Station Tripri Patiala, Patiala.

2. The gravamen of the FIR in question is that Gurwinder Singh (petitioner herein) along with co-accused, namely, Amandeep Singh Kamboj, Manmeet Singh, Devinder Singh, Jashanpreet Singh, Navjot Singh

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and Amritpal Singh by hatching a criminal conspiracy cheated the complainant and sold her land, valued Rs.2.5 Crore, for a sum of Rs.70 lacs causing her the wrongful loss and duping her accordingly.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 24.09.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question on account of enmity with the complainant-side. Learned counsel has further argued that no specific role has been attributed to the petitioner in the alleged fraudulent sale transactions. Learned counsel has urged that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature, and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 17.11.2025, in the Court today, which is taken on record.

4.1. Learned Senior counsel for the complainant has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner, and in case, the petitioner is extended the concession of regular bail, he may abscond from the process of justice as also interfere with the prosecution evidence/ witnesses. On the strength of these submissions, dismissal of the instant bail plea is entreated for.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 24.09.2025 and is in continuous custody since then. The culmination of investigation as also trial emanating

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therefrom, in case occasion so arises, will take its own time. The rival contentions raised at Bar given rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 17.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 month & 23 days, & is not shown to be involved in any other FIR(s).

Suffice to say, further detention of the petitioner as undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport(s), if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number(s) to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number(s) without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.
9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 18, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No