

2026:PHHC:045622



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

117

**CRM-M No.69621 of 2025
Date of Decision: 23.03.2026**

Balwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jatinder Singh Mundi, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Kamaldip Singh Sidhu, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.40 dated 30.03.2024 registered under Sections 420, 467, 468 and 471 of IPC (Sections 120-B and 201 of IPC added later on) at Police Station Baghapurana, District Moga. His previous petition bearing CRM-M-28263-2025 was dismissed as withdrawn vide order dated 17.09.2025.

2. The aforementioned FIR was registered on the complaint

2026:PHHC:045622



lodged by the complainant alleging therein that on 21.06.2022, the accused Rajwinder Singh had entered into an agreement to sell 18 acres of land owned by him and situated at Village Samadh Bhai-2, Tehsil Baghapurana, District Moga @ Rs.19 lakhs per acre. An amount of Rs.33 lakhs was given by the complainant in cash to Rajwinder Singh and Rs.5 lakhs was given through cheque. As per the terms of the agreement, the sale deed was to be registered on 05.06.2023. Thereafter, during the period from 25.07.2022 till 06.08.2022, Rajwinder Singh received different amounts of money from the complainant and the total amount so paid came to be Rs.83,50,000/-. However, he started avoiding registration of sale deed by making excuses and then the complainant came to know that he had entered into an agreement to sell the same land with one Rajdeep Singh Bhangu on 12.05.2022 and had received a sum of Rs.40 lakhs from him. On being questioned, he started extending threats to the complainant. By alleging that with an intention to cheat him and to cause wrongful loss of money to the complainant, accused Rajwinder Singh had entered into an agreement with him and received payment, the complainant prayed for taking action in the matter.

3. On receipt of complaint, initially an inquiry was conducted in the matter and the above named Rajwinder Singh made an undertaking before the police that he would return an amount of Rs.25 lakhs to the complainant on 26.12.2022 and another amount of Rs.8 lakhs within next ten days. He, however, failed to pay that amount. It was also revealed that

2026:PHHC:045622



infact, it was the petitioner who is brother-in-law of accused Rajwinder Singh who had impersonated himself as Rajwinder Singh and had executed agreement in favour of the complainant by representing himself as Rajwinder Singh. Accused Rajwinder Singh admitted that this was done in connivance with the petitioner and his wife and one Gurlal Singh who had forged the Aadhar Card of Rajwinder Singh. The petitioner was then nominated as accused. He was arrested on 16.01.2025. Some other persons were also arrested. Investigation now stands completed.

4. It is argued by learned counsel for the petitioner that he is in custody since 16.01.2025. He has been falsely implicated in this case. The dispute between the parties is of civil nature which has been given a criminal colour. He never executed any agreement to sell in favour of the complainant. No money has been received by him. He had nothing to do with the land in question. The co-accused Rajpreet Kaur, Rajwinder Singh and Gurlal Singh have been extended benefit of bail. On parity, he too deserves to be extended the same benefit. The subject offences are triable by Magistrate. The trial would take considerable time to conclude. No useful purpose would be served by detaining him in custody any more. It is, therefore, argued that he deserves to be released on bail.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. He is a habitual offender being involved in four more cases of

2026:PHHC:045622



cheating and forgery. There are chances of his committing similar offences, absconding or intimidating the witnesses, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner in connivance with his brother-in-law Rajwinder Singh and sister Rajpreet Kaur and co-accused Gurlal Singh is alleged to have executed an agreement to sell dated 21.06.2012 in favour of the complainant by impersonating himself as Rajwinder Singh and by forging Aadhar Card of the latter and is alleged to have extracted an amount of Rs.83,50,000/- from the complainant. He has been involved in other cases of cheating and forgery. The allegations prima facie make out a case for commission of the aforementioned offences against him. However, now he has been in custody for a period of over 01 year and 02 months. The trial will obviously take time to conclude since out of 25 prosecution witnesses, only 03 prosecution witnesses have been examined. No useful purpose would be served by detaining the petitioner in custody any more. The well settled proposition of law is that pre trial incarceration of an accused should not be a replica of post conviction sentencing. The detention prior to trial should not become punitive. Taking into consideration the above discussed facts, this Court is of the opinion that the petition deserve to be allowed. Accordingly, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties in the like amount each to the satisfaction of learned trial

2026:PHHC:045622



Court/CJM/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall appear before the SHO of concerned Police Station once on the first Monday of every alternative month during the trial of the case. The SHO concerned shall record his presence and in case, the petitioner does not abide by this condition, then he shall intimate the trial Magistrate who shall be at liberty to cancel the bail of the petitioner on this ground alone.
- (ii) He shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) He shall deposit his passport, if any, with the learned trial Court.
- (iv) He shall provide his permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.
- (v) He shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in his mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance and shall keep his mobile phone switch on all times.



8. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.
9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

23.03.2026
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(MANISHA BATRA)
JUDGE

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