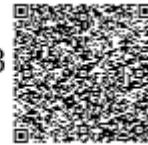


IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2026:PHHC:028878



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CRM-M-71963-2025 (O&M)

Date of decision:23.02.2026

Sukhwinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. G.S. Dhot, Advocate and  
Mr. G.S. Mehra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

...

**Manisha Batra, J. (Oral).**

1. Instant petition has been filed by the petitioner for grant of regular bail in case arising out of FIR No.295, dated 17.10.2024, registered under Sections 420 and 406 IPC, at Police Station Sohana, District SAS Nagar.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant – Jai Partap, alleging that accused Sunil Giri was registered power of attorney holder of accused Balwant Singh, who was owner of agricultural land and a sheller at village Shutrana. The abovesaid Sunil Giri by acting as power of attorney holder of Balwant Singh had entered into an agreement to sell 08 bighas, 11 biswa and 10 biswasian of land owned by Balwant Singh in the name of the complainant

and his friend Kulwinder Singh for a total sale consideration amount of Rs.1.50 crores. The said agreement was executed on 24.12.2020. The deal was struck after making due discussion with Balwant Singh and his sons, who had agreed to the transaction. It has been alleged that an amount of Rs.1.30 lakhs had been paid to Sunil Giri on different dates. Despite receipt of the said amount, accused Sunil Giri delayed in execution of sale deed in favour of the complainant and Kulwinder Singh and then the complainant had came to know that accused Sunil Giri in connivance with Balwant Singh, his son i.e. present petitioner and some other persons, had got cancelled the power of attorney executed in favour of Sunil Giri on 30.03.2021 only to cause wrongful loss to the complainant and deprive him to get the sale deed qua the land of accused Balwant Singh, executed and registered in his favour. The complainant also filed a civil suit and despite a stay order having been granted, accused Balwant Singh transferred the aforementioned property in the name of his son Sukhwinder Singh i.e. the present petitioner and he (petitioner) further sold it to Ravinder Kaur.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 14.11.2025. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 14.11.2025. The dispute between the parties is purely of civil nature and a civil litigation is also pending. The investigation now stands concluded. The trial will take considerable time to conclude. The subject offences are triable by Magistrate. His further incarceration would not serve any useful purpose.

His father had never appointed Sunil Giri as his power of attorney holder. He and his father were not beneficiary of any transaction. He was not a signatory to the agreement in question. It is, therefore, argued that he deserves to be extended benefit of bail

5. Per contra, learned State counsel has argued that the allegations against the petitioner are serious in nature as in connivance with the co-accused, he got the GPA executed in favour of Sunil Giri cancelled before registration of sale deed in favour of the complainant and rather got the property, which was subject matter of that agreement to sell, executed and registered in his favour. The petitioner was very well aware of the execution of the agreement and this fact itself is sufficient to attract the provisions of offence of cheating. There are chances of petitioner's intimidating the witnesses, committing similar offences or absconding, if extended benefit of bail. It is, thus, urged that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is in custody since 14.11.2025. He is not required for further investigation as the same stands concluded and challan stands presented. The trial will obviously take considerable time to conclude as no prosecution witness has been examined so far. The antecedents of the petitioner are clean. The subject offences are triable by Magistrate. No fruitful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition of law that pre-trial incarceration should not be a replica of post conviction sentencing and that the bail is the rule and jail is an exception. The object of jail is to secure appearance of

the accused during trial and it cannot be punitive or preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences.

7. Taking into consideration the above discussed facts, this Court is of the considered opinion that the petitioner has made out a case for his release on bail. Accordingly, the petition is allowed and the petitioner be admitted on bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**23.02.2026**

*harjeet*

|                             |        |
|-----------------------------|--------|
| Whether speaking/reasoned : | Yes/No |
| Whether reportable :        | Yes/No |

**(MANISHA BATRA)**  
**JUDGE**