

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

CRM-M-6384-2023
Date of Decision:-**29.04.2023**

GAGANDEEP SINGH SEKHON

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

1. Prayer is for grant of regular bail in case having FIR No.307 dated 23.09.2022 registered under Sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Dera Bassi, District SAS Nagar (Mohali).
2. The allegations in nut-shell are that the petitioner and other accused lured complainant Simarjit Singh and Varinder Kumar to enter into an agreement to purchase land belonging to Jasmer Singh, and one Saradhu Singh posed himself as Jasmer Singh and the deal was struck for Rs.3.4 crore. There are also allegations that on the basis of the

said deal, the complainant-party made payment of Rs.10 lac to the petitioner through bank and another Rs.8 lac in cash and also made payment of another Rs.20 lac at the instance of the accused persons to Narotam and Gurmukh Singh. During investigation of the case, the petitioner was arrested.

3. The counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is in custody since 23.09.2022 and after completion of investigation, police has presented challan, but charges are yet to be framed and that all the offences are triable by the Court of Judicial Magistrate Ist Class. So prayer is made that the petitioner be released on regular bail.
4. The instant petition is resisted by the State counsel, who submits that the petitioner and his companions committed fraud of Rs.38 lac with the complainant-party by luring complainant and Varinder Kumar to purchase land belonging to one Jasmer Singh, who is residing in foreign country. However, the State counsel has not disputed the fact that the petitioner is in custody since last more than 7 months and that on conclusion of investigation, police has presented challan but trial is yet to commence. The State counsel further apprised that the petitioner is involved in 3 other cases but he is on bail in all the said 3 cases. The State counsel further apprised the Court that 4 of the accused persons have already arrested out of which Gurinder Singh has been enlarged on bail by the Court of Additional Sessions Judge, SAS Nagar Mohali vide order dated 30.11.2022 (Annexure P-4).
5. I have considered the submissions made by counsel for the parties.

6. Admittedly all the offences are triable by Judicial Magistrate Ist Class, and the petitioner is in custody for the last more than 7 months and in all the other criminal cases faced by the petitioner, he is stated to be on bail. The trial is yet to commence and even thereafter it will take considerable time for the trial to terminate, so no fruitful purpose is going to be served by prolonging judicial custody of the petitioner for indefinite period.
7. Thus, without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

29.04.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No