

**IN THE COURT OF DR. HARPREET KAUR,**  
**ADDITIONAL SESSIONS JUDGE, FATEHGARH SAHIB.**

CNR No.PBFG-0100-3690-2023

CIS No. 1033-2023

Date of order 04.10.2023

Yadwinder Singh, son of Ranjit Singh, aged 40 years, resident of Village  
Balahri Khurd, Badali Alla Singh, District Fatehgarh Sahib.

...**Applicant/accused.**

Vs.

State of Punjab

.....**Respondent.**

FIR No. 66 dated 01.08.2023

Under Sections : 406,420,120-B of IPC

Police Station : Badali Ala Singh.

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**Anticipatory bail application under Section 438 Cr.P.C.**

Present: Sh. H.S. Bhalmajra, Advocate counsel for accused-applicant.  
Sh. Munish Kumar, Additional Public Prosecutor, for State

**ORDER**

1. The above mentioned applicant has filed this bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR bearing No.66 dated 01.08.2023, under Sections 406, 420, 120-B of IPC, registered at police station Badali Ala Singh.
2. Notice of the bail application was given to the State which has been contested on its behalf by Ld. Additional Public Prosecutor for the State. Record from the concerned Police station produced.
3. Brief facts of the case are that the present FIR has been

*Dr. Harpreet kaur*  
*ASJ-Fatehgarh Sahib*  
*UID no.PB-0443*

registered on the basis of joint complaint filed by Ramesh Kumar, Harpreet Singh, Manpreet Singh, Director of M/s Neel Kamal Hotel, Kamalpreet Singh Dhanoa and Nirmal Singh, wherein it is alleged that accused **Yadwinder Singh (applicant-accused herein)**, Sikander Singh and Hardeep Kaur along with other co-accused, with the intention to commit fraud have entered into an agreement to sell dated 18.10.2018 of their land measuring 29 biga 8 biawa situated at Village Bulari Khurd with Ramesh Kumar and accused Baj Singh, for the sale consideration of Rs.33,50,000/- per acre and had received Rs.40 lac as earnest money from him. But they did not turned up on the day fixed for registration of sale deed in the office of Tehsildar. The accused have also entered into an agreement to sell dated 19.07.2019 of their land situated at Village Bombemajra with Kamalpreet Singh Dhanoa and Nirmal Singh for the sale consideration of Rs.34 lac per acre and had received Rs.30 lac as earnest money. It is also alleged that the accused had enter into an agreement to sell dated 06.12.2018 of their land with M/s Neel Kamal Hotel for the sale consideration of Rs.43,50,000/- and had received Rs.60 lac as earnest money. However, they did not appear for the execution of sale deed. It is also alleged that the accused had enter into an agreement to sell dated 08.09.2020 with Harpreet Singh and Manpreet Singh of their land measuring 28 bigha situated at Village Bombemajra for the sale consideration of Rs.41,50,000/- and had received Rs.20 lac cash as earnest money but again did not turn up for the execution of the sale deed on the date fixed in the office of Tehsildar. In this way, the accused has

committed criminal misappropriation and cheating with the complainants.

4. I have heard ld. Counsel for both the parties and perused the record with their able assistance.

5. Ld. Counsel for the applicant/accused submitted that the applicant/accused is an innocent person who has been falsely implicated in the present case. The applicant-accused is in custody since 10.08.2023. No offence under section 406, 420, 120-B IPC is made out against the applicant-accused. The present matter is purely civil in nature and the instant FIR has been registered only to cause unnecessary harassment and to pressurize the applicant to enter into compromise with the complainant. The complainants have failed to fulfil the terms of the agreement to sell, therefore, the accused had not performed their part of the contract. No amount of money has been received by the applicant-accused from the complainant. Applicant/accused is ready to abide by all the terms and conditions which may be imposed by this court while enlarging the applicant on bail. Lastly, prayer to allow the bail application has been made.

6. On the other hand, Ld. Additional Public Prosecutor submitted that the allegations against the applicant/accused are serious in nature. Therefore, the applicant/accused is not entitled for regular bail.

7. Allegations against the applicant-accused are that he in connivance with other co-accused, who are his brother and mother, in order to defraud the complainants has entered into four different agreements to sell of their land situated at Village Bulari Khurd and

Bombemajra, i.e. agreement to sell **dated 18.10.2018 with complainant Ramesh Kumar** and received Rs.20 lac as earnest money, agreement to sell **dated 06.12.2018 with M/s Neel Kamal Hotel** and received Rs.60 lac as earnest money, agreement to sell **dated 08.09.2020 with complainant Harpreet Singh and Manpreet Singh** and received Rs.20 lac as earnest money, agreement to sell **dated 19.07.2019 with complainant Komalpreet Singh** and received Rs.30 lac as earnest money. However, the accused have failed to appear before the office of Sub Registrar on the date agreed upon by the parties to execute sale deeds in all the above mentioned agreements to sell.

8. As per the counsel for the applicant, the applicant-accused has not executed the sale deed in the name of the above mentioned complaints as they have not fulfilled the terms and conditions of their respective agreement to sell. Due to the said reason, none of the complainant had filed suit for specific performance against the applicant and other co-accused. The complainants have only filed suit for recovery.

9. Considering the fact that the matter in dispute between the parties is of civil nature and the complainants have already filed suit for recovery against the applicant-accused, who is in custody since 10.08.2023 i.e. for more than one month but without commenting upon the merits of the case, the present regular bail application of accused/applicant is allowed, subject to his furnishing of bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount. Bail application be attached with the main file, if any, pending in this court, otherwise

consigned to record room, Fatehgarh Sahib.

**Pronounced in open Court.**

**Dated: 04.10.2023**

**(Dr. Harpreet Kaur)  
Additional Sessions Judge,  
Fatehgarh Sahib.  
UID No.PB-0443**

(Directly Dictated)

Karamjit Kaur Stg.II

*Dr. Harpreet Kaur  
ASJ,Fatehgarh Sahib.  
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