

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

**CRM-M-26531-2025
Reserved on: 03.07.2025
Pronounced on: 15.07.2025**

**RASPAL SINGH BRAR @ RASPAL SINGH
@ GURLAL SINGH**

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raj Kumar Chandana, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
195	24.10.2023	Baghapurana, District Moga	420/465/467/468/471/120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail application and the reply/custody certificate, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	40	30.03.2024	420/467/468/471 IPC	Baghapurana, District Moga

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“xxx xxx xxx xxx

3. That brief facts of the case are that complainant moved an application before the SSP, Moga with the allegations that on 31.05.2022 accused Rajwinder Singh Harjinder Singh with the consent of his wife Rajpreet Kaur @ Jasvir Kaur, entered into an agreement to sell his land measuring 19 Acres situated in the area of village Channuwala @ Rs.19 lakhs per acre in favour of complainant and Rajwinder Singh had also obtained Rs.72,30,000/-on account of earnest money from the complainant. In said deal petitioner Rashpal Singh Brar performed the

role of mediator. Complainant further stated that at the time of execution of agreement, Rajwinder Singh had attached the photocopy of his adhar card and said adhar card was bearing the photograph of Balwinder Singh and Balwinder Singh had affixed the signatures of Rajwinder Singh on said agreement and also got affixed his photograph on the agreement. When complainant obtained the copy of jamabandi related to said land, he came to know that civil suit regarding said property is pending before the Ld. Court and stay order has also been issued by the court. Thereafter, complainant started demanding his amount back from said Rajwinder Singh, then they had transferred Rs.15 lakhs in the account of Karamjit Singh and Rs.15 lakh in the account of Kuldip Singh son of Jagdev Singh resident of Mullanpur. But after that accused persons have not returned any amount to him and in this way accused have played a fraud amounting to Rs.42,30,000/- with the complainant.

4. Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. The petitioner's counsel prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, he repeats the offence or commit any offence where the sentence is more than 07 years, he would have no objection, if State files an application for cancellation of his bail. He further contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“xxx xxx xxx xxx

Role of the petitioner: Petitioner is mastermind of the present case. Petitioner who is working as property dealer and was personally knows to Rajwinder Singh the actual owner of the property had introduced Balwinder Singh as Rajwinder Singh to the complainant and later on with the help and in connivance of petitioner said Balwinder Singh had impersonated said Rajwinder Singh and executed agreement in favour of complainant on the basis of forged adhar card of Rajwinder Singh.

REASONING:

7. On the statement of the complainant, he transferred Rs.20 lacs in the account of Rajwinder Singh and the petitioner had withdrawn Rs.15 lacs from the account of said Rajwinder Singh but he has no access to the account of Rajwinder Singh. There is sufficient prima facie evidence connecting the petitioner with the alleged offence. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 08 of the bail petition, the petitioner has been in custody since 25.06.2024. Per the custody certificate dated 02.07.2025, the petitioner's total custody in this FIR is 06 months and 13 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

15.07.2025

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Whether speaking/reasoned: Yes
Whether reportable: No.