

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

2025:PHHC:119529



(230)

CRM-M-61446-2024

Date of Decision: 03.09.2025

Naveen Nayyar

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Mohit Kakkar, Advocate for petitioner.

Ms. Simran Gorla, AAG, Punjab.

Mr. Aniket Sindhar, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

1. This is the second petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.129, dated 28.07.2023, under Sections 406, 420, 120-B of IPC, registered at Police Station Mataur, SAS Nagar, Mohali, Punjab.

2. Adumbrated facts of the case are that the complainant, namely, Sachin Sharma lodged a complaint before the police wherein he alleged that he entered into the agreement to sell on 03.11.2022 with General Power of Attorney (GPA) holder, namely, Naveen Nayyar i.e. the petitioner, which was given to him by the actual owners, namely, Prabhjeet Singh and Tejinder Kaur. Despite the last date of registry given to be on 30.01.2023, Naveen Nayyar i.e. GPA holder did not appear for execution of sale deed. The token amount of Rs.51,000/- was handed over to Rohit, who came along with Naveen Nayyar and Rs.24,49,000/- was given as earnest money,

which was transferred in the bank account of Naveen Nayyar through RTGS. They kept avoiding the transfer of property after taking the money. This property was said to be free from all the encumbrances, however a bank loan of Rs.62,00,000/-was found to have been advanced against this property by Union Bank of India. On verification, it was further found that a Court case is also pending against this property. Thus, he alleged that Naveen Nayyar had cheated the complainant to the tune of Rs.35,00,000/- and hence the legal action be taken against him. On the basis of this complaint, the FIR was registered and the investigation commenced. Petitioner was arrested on 11.08.2023. His first bail petition was dismissed on merits by this Court vide order dated 18.07.2024. The complainant was cheated by Naveen Nayyar along with the co-accused, namely, Prabhjeet Singh and Tejinder Kaur.

3. Learned counsel for the petitioner submits that petitioner himself is a victim as the civil suit is already pending which was filed at the behest of the original owners, who had given the GPA to the petitioner. He submits that all the four co-accused have already been granted the concession of bail by this Court. To buttress his arguments, counsel submits that petitioner is behind bars for the last more than two years, however, till date charges have not been framed and thus the right of the petitioner to speedy trial is miserably defeated. It is further submitted that the case in hand is of civil in nature and thus, further incarceration of the petitioner is not warranted.

4. Learned State Counsel has vehemently opposed the submissions made by learned counsel for the petitioner. He submits that petitioner is the main accused in the present case and he had initially

concealed the factum that the GPA granted in his favour had already been cancelled. He, however, submits that only challan has been presented in this case and charges are yet to be framed. Petitioner has been in custody for more than two years.

5. Learned counsel for the complainant has also vehemently opposed the submissions made by learned counsel for petitioner. He submits that an amount of Rs.25 lacs as earnest money had been transferred in the account of the petitioner through RTGS.

6. After hearing learned counsel for the parties, it is deciphered that petitioner is behind bars for the last more than two years. He is involved in three other cases, however, in one of those cases FIR was cancelled and in other cases he is on bail. Charges in the present case are yet to be framed and thus the trial would take sufficiently long time to conclude.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commencing anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.09.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No