

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

**Crl. Misc. No.M-12687 of 2015
Date of decision : 03.08.2015**

Rattan Singh

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

Mr. Bikramjit Arora, Advocate
for the complainant.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking anticipatory bail in FIR No. 210 dated 12.11.2014, registered under Section 420, 418, 406 IPC, Police Station Jhabhal, District Tarn Taran.

Briefly the facts are that Onkar Singh levelled allegations that Rattan Singh and Shingara Singh entered into an agreement to sell their land and received Rs.20 lacs and later on failed to execute the sale deed nor the earnest money was returned.

The petitioner contends that Shingara had entered into an agreement with Rattan Singh and Rattan Singh further entered into

an agreement with the complainant and Rattan Singh could not execute the agreement as Shingara Singh backed out of the agreement and he was not to be blamed. It was urged that the matter was civil in nature and the FIR had been got registered with a sole purpose of pressurizing the petitioner. Reliance was placed upon ***Harnek Singh Vs. State of Punjab and another 2010(4) Law Herald 2892, Bal Krishna Garodia Vs. State of Haryana 2011(3) RCR (Crl.) 189 and Deegh Ram Vs. Shoe Narain @ Sheo Narain 2015(1) RCR (Crl) 960.***

On the other hand, it was urged that the story was not as was being projected and Shingara and Rattan Singh had entered into a conspiracy and the matter was inquired into by the Economic Cell and there was no agreement between Shingara and Rattan Singh and that agreement has not seen the light of day and the intention from the very beginning was to cheat the complainant and Rs.20 lacs had been taken and there was dishonest intention from the very beginning.

The petitioner has failed to place on record the agreement said to have been executed between Shingara Singh and Rattan Singh to support the plea. An inquiry has been held and it was found that Shingara Singh and Rattan Singh both had cheated the complainant and had deprived him of his money and the complainant had been duped. In the light of these allegations, the petitioner is not entitled to the discretionary relief of anticipatory bail.

Section 438 Cr.P.C. is an extra ordinary remedy and

protection can be granted only considering the material and the facts of a given case. The allegations against the petitioner are grave. Custodial interrogation is necessary. It would be difficult to carry out the investigation and it is necessary to curtail his freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

03.08.2015
sunil

(ANITA CHAUDHRY)
JUDGE