

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

Date of decision: 12.08.2015

1) CRM-M No. 14529 of 2015 (O&M)

Sandeep Singh Petitioner.

Versus

State of Punjab Respondent.

2) CRM-M No. 19366 of 2015 (O&M)

Ravinder Singh Petitioner.

Versus

State of Punjab Respondent.

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Argued by: Mr. Amit Jhanji, Advocate, for petitioner – Sandeep Singh.

Mr. Atul Goyal, Advocate, for petitioner – Ravinder Singh.

Mr. K.S. Pannu, DAG, Punjab, for the respondent.

Mr. Yogesh Goel, Advocate, for the complainant.

NAVITA SINGH, J.

These petitions have been moved by the petitioners under Section 438 of the Code of Criminal Procedure seeking anticipatory bail in case FIR No. 07 dated 15.01.2015, under Sections 406, 419, 420, 467, 468, 471 and 120-B of the Indian Penal Code of Police Station Dehlon, District Ludhiana.

Counsel for the petitioners submitted that the petitioners were not called for investigation and they had to file application before the Court

and seek a direction that they should be allowed to join investigation.

The investigating officer, however, is present in Court who submits that notice under Section 160 of the Code of Criminal Procedure was issued to the petitioners, but they chose not to appear before the investigating officer.

The allegations in the FIR are that the complainant was owner of certain land, which was adjacent to the land of accused – Tara Chand. Next to the land of Tara Singh, there was a 11 feet wide passage leading to the land of the complainant, touching the land of Paramjit Singh son of Swaran Singh. The complainant was interested in purchasing the land belonging to Paramjit Singh. Tara Singh claimed that he could get the deal struck. He even took an amount of Rs.1,00,000/- from the complainant as token money, but returned the same after a few months saying that when Paramjit Singh came to know that it was the complainant who was to make the purchase, he showed no interest.

A few months after that, Tara Singh again approached the complainant stating that Sikander Singh, brother-in-law of Swaran Singh, could get the deal made and he claimed that that person would have to be paid some commission. The complainant requested his friend Rajiv Sharma to settle the deal on his behalf.

Tara Singh informed that the brother-in-law of Swaran Singh would contact the complainant party and then one person contacted the complainant from the mobile number given in the FIR and introduced himself as Sikander Singh. He used to call the complainant from different

mobile numbers. He said that he was a farmer in Uttar Pradesh. He told that his sister was getting married to Paramjit Singh and they needed money. The deal was struck and an amount of Rs.45,00,000/- was paid as earnest money. All the negotiations and meetings between the complainant and Sikander Singh were arranged by Tara Singh. When the agreement for sale was reduced into writing, Tara Singh along with above mentioned Sikander Singh and one person identifying himself as Paramjit Singh along with Amrik Singh Nambardar assembled in the office of Tara Singh. The agreement was scribed and payment was made at that time to Paramjit Singh by Rajiv Sharma.

Thereafter, Paramjit Singh said that he wanted to get the agreement signed from his mother and sister as witnesses and he took the document with him and brought it back with the signatures of Gurmail Kaur and Jaspreet Kaur. Tara Singh, however, did not turn up and when contacted on telephone he said that he would execute the agreement later on. The matter was brought to the notice of Paramjit Singh and both the complainant Suraj Jyoti and Rajiv Sharma went to meet Paramjit Singh and found that he was a person different from the person who had signed the agreement. It came to light that Paramjit Singh had been impersonated and so was Swaran Singh. There was no person by the name of Sikander Singh whose sister was allegedly getting married to Paramjit Singh. The person who posed as Amrik Singh Nambardar had also assumed fake identity. The entire conspiracy was hatched by the impersonators along with Tara Singh and defrauded the complainants by denuding them of Rs.45,00,000/-.

Counsel for the petitioners contended that it was nowhere proved during investigating that the petitioners were the persons who had impersonated either Paramjit Singh or Sikander Singh or Amrik Singh for that matter. They were falsely implicated and were rather shocked to know that the present case was registered against them. It was contended that on the one hand Suraj Jyoti had purchased the land from Jagdish Singh son of Gurcharan Singh, the latter being the real brother of Swaran Singh, father of Paramjit Singh, but on the other hand, he alleged in the FIR that he did not know Swaran Singh and Pramjit Singh.

The land of Suraj Jyoti and that of Pramjit Singh are adjacent as is given in the FIR itself, but surprisingly complainant Suraj Jyoti alleged that he did not recognize Paramjit Singh or his father Swaran Singh. As per the site plan filed with the FIR, the land of Suraj Jyoti falls in the centre while towards the west, there is land of Pramjit Singh and towards the east, there is land of Kuldeep Kaur and Tara Singh.

It is rightly contended on behalf of the petitioners that it was not possible that Suraj Jyoti did not know Paramjit Singh whose land he intended to purchase. It was alleged that Tara Singh and Sikander Singh had introduced Pramjit Singh, Swaran Singh and Amrik Singh Nambardar to them. Even if Rajiv Sharma was striking deal on behalf of Suraj Jyoti, it cannot be believed that the identity of Paramjit Singh and his father Swaran Singh was not known to Suraj Jyoti and his friend.

The request for anticipatory bail made by the petitioners, who allegedly impersonated some of the persons mentioned above, is thus not

unjustified in the given facts and circumstances. The interim relief granted to the petitioners is made absolute, subject to the conditions that they shall join investigation as and when required and shall abide by the other conditions laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

Copy of the order be placed on the file of connected case.

(NAVITA SINGH)
JUDGE

12.08.2015
Ramesh