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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision: 17.07.2015

1. CRM-M No.22795 of 2014

Furinder Kumar @ Raja .....Petitioner
Vs.
State of Punjab .....Respondent

2. CRM-M No.25586 of 2014

Munish Malhotra .....Petitioner
Vs.
State of Punjab .....Respondent

3. CRM-M No.15921 of 2015

Roop Kaur .....Petitioner
Vs.
State of Punjab .....Respondent

CORAM: ***HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present: Mr. Varinder Singh Rana, Advocate &
Mr. Rajesh Gupta, Advocate
for the petitioner(s).

Mr. Arshdeep S. Kler, D.A.G., Punjab.

Ms. Loveleen Dhaliwal, Advocate
for the complainant.

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1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

RAJ MOHAN SINGH, J.

[1]. By this common order aforesaid three petitions are being disposed of. After collecting common facts, main order is being passed in CRM-M No.22795 of 2014 titled as Furinder Kumar @

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Raja v. State of Punjab.

[2]. Petitioner(s) seeks anticipatory bail in case bearing FIR No.168 dated 17.06.2014, under Sections 420/467/468/471/120-B IPC, P.S. Jodhewal, Ludhiana.

[3]. Complainant-Mukhtiar Singh came forward to lodge the aforesaid FIR with the allegations that he is a property advisor. He entered into agreement to purchase plot measuring 208 square yard from Manjit Ram S/o Hazara Ram for total sale consideration of Rs.39 lacs. An amount of Rs.1 lac was paid as earnest amount. On 13.3.2014**,** first instalment of Rs.10 lacs was paid as part payment of total consideration in the presence of Bhushan and Jaswinder Singh. A photocopy of sale deed was given to him on the pretext that the original sale deed has been lost. On checking, complainant found that the address of vendor Manjit Singh was not correct. Petitioner-Furinder Kuar @ Raja S/o Lekh Raj had prepared the forged documents. Petitioner is nephew *(Bhanja)* of Manjit Ram. Real Manjit Ram is living in Holland. Petitioner has stood as attesting witness to the agreement of purchase.

[4]. FIR was investigated by the Police and it was found that Avtar Singh impersonated Manjit Ram and one Darshan Kaur impersonated Naseeb Kaur and these two persons are still at large. Petitioner being attesting witness to the agreement of purchase**,** identified the real owners who were impersonated by Avtar Singh and Darshan Kaur. Fake persons received the amount to the tune of Rs.11 lacs under identification of petitioner**,** irrespective of the fact

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that petitioner did not sign the receipt on 13.03.2014. According to prosecution this was a calculated move in order to deceive the complainant.

[5]. Learned State counsel has filed detailed reply. Munish Malhotra is also attesting witness to the agreement of purchase. Roop Kaur @ Roopa had introduced Avtar Singh and Darshan Kaur who impersonated the real owners. She equally participated in the occurrence.

[6]. During the course of investigation statements of Naseeb Kaur, Harjinder Kumar, Bhushan and Jaswinder have been recorded. Even petitioner himself filed affidavit.

[7]. Petitioner was stated to be caretaker of the said plot of his maternal uncle and maternal grandmother. Petitioner was having common intention with other accused persons namely Munish Malhotra and Roop Kaur who played their respective part in the process of impersonation. Roop Kaur was involved in arranging two persons namely Avtar Singh and Darshan Kaur for the purposes of impersonation of original owners.

[8]. Petitioner allegedly induced the complainant that the owners are his real relatives, so intended deal was claimed to be *bona fide*. Under the aforesaid pretext, petitioner along with others accepted an amount of Rs.11 lacs as part payment and swallowed the same. Munish Malhotra is also partner of the conspiracy.

[9]. Statement of Bhushan Kumar is being relied to allege that on 13.03.2014 an amount of Rs.10 lacs was paid by Mukhtiar Singh

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to Munish Malhotra for payment to Manjit Ram and this amount was paid at the asking and representation of Munish Malhotra and Furinder Kumar. Munish Malhotra further handed over this amount to Furinder Kumar and on the asking of alleged Manjit Ram, he kept the amount with him and endorsement to this effect was made at the back of the agreement which was signed by Bhushan Kumar and Jaswinder Singh as attesting witnesses. When Munish Malhotra and Furinder Kumar were asked to sign the same they simply told that there is no need to put their signatures as they were with them. Similar statement was made by Jaswinder Singh also.

[10]. Learned State counsel along with counsel for the complainant vehemently opposed the grant of anticipatory bail on the premise that recovery has not been effected so far. The persons who impersonated real Manjit Ram and Naseeb Kaur have not been arrested so far. Custodial interrogation of the petitioner(s) is required in order to extract other features of fraud.

[11]. Since the petitioner(s)-Furinder Kumar @ Raja, co-accused Munish Malhtora and Roop Kaur have specific roles and their complicities are required to be investigated for which their custodial interrogation is necessary.

[12]. In view of aforesaid, no case is made out for the grant of anticipatory bail, petition(s) are accordingly dismissed.

July 17, 2015 **(RAJ MOHAN SINGH)**
Atik **JUDGE**

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