

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM NO. M-24056 of 2015
DECIDED ON : AUGUST 06, 2015

Som Sandu

...Petitioner

versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporter 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?*

Present : Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

Mr. Deepak Garg, AAG, Punjab.

JASPAL SINGH, J. (ORAL)

This is a petition under Section 438 of the Code of Criminal Procedure preferred by Som Sandu seeking pre arrest bail in case FIR No. 02 dated 06.01.2015 under Sections 420, 465, 471 IPC registered at Police Station Mahilpur, District Hoshiarpur.

2. The instant petition was registered on the basis of complaint made by Jatinder Kumar son of Nand Kishore. FIR reads as under:-

“Complaint against Som Sandu s/o Bishan Lal Ward No.7 Mahilpur Phone No. 98148-78174, 98767-41747 for selling the vehicle Scorpio bearing no. PB14B-0015 by forging my signature. Sir it is requested that I sold one vehicle i.e. Scorpio bearing number stated above sold to the person stated above on August 30, 2013, for a consideration of ₹4,07,000/- and Som Sandu gave affidavit for payment of 28

instalments of ₹15,000 per month and paid ₹50,000/- advance. Sir he has paid the amount of ₹40,000/- and for the remaining amount he issued two cheques for future instalments, but the said cheques were bounced back. Sir, I demanded the above said amount from him many a times, but he always put off the same on one pretext or the other and after requesting him many times he issued another cheque of 3,20,000/- which was also bounced. Sir, it comes to my knowledge few days before that Som Sandu sold the above said vehicle to Malkiet Singh dealer r/o Jalandhar (98150-82909) through Jaswinder Singh (98150-15095). At the time of selling the said vehicle, the Som Sandu wrongly purchased the stamp papers from stamp vendor Kanchan Kumari at Mahilpur Sub Tehsil by putting the photocopy of the driving licence taken from me and signed in the register of Kanchan Kumari and signed my affidavit and forged my signatures on all the documents for selling the vehicle and sold it. Sir, kindly take strict action against Som Sandu as he committed fraud with me and forged my signature and gave bounced cheques and do justice to me.”

3. The contention of learned counsel for the petitioner is that though, he has been falsely implicated in the instant case but with the intervention of respectables a compromise (Annexure P-3) has been arrived at and the matter stands amicably settled. In addition to compromise, complainant has also furnished his sworn affidavit reiterating the factum of compromise with petitioner specifically stating that he has no objection if the instant petition is allowed.

4. Taking into consideration the allegations levelled in FIR as well as compromise arrived at between the parties, this Court is of the considered view that petitioner deserves the concession of pre-arrest bail. Accordingly, instant petition is allowed and in the event of arrest petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the

other conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.

AUGUST 06, 2015
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(JASPAL SINGH)
JUDGE