

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

CRM-M-25116-2015

Date of decision : 03.08.2015

Mahavir Singh

..... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Ajaypal Singh, Advocate for petitioner.

DARSHAN SINGH, J.

This is the second petition under Section 438 of Code of Criminal Procedure, 1973 (here-in-after called the 'Cr.P.C.') for grant of anticipatory bail to petitioner Mahavir Singh in case FIR No.204 dated 27.06.2014 under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 (here-in-after called the 'IPC'), registered at Police Station City Sangrur.

As per the prosecution allegations, the present petitioner alleging himself to be the general power of attorney of Maharaja Satbir Singh, executed an agreement to sell dated 21.02.2012 for the sale of the land measuring 64 Kanal 12 Marla situated in Sangrur in favour of complainant Vikas Garg belonging to said Maharaja Satbir Singh and received a sum of Rs.8,55,000/- as earnest money. In fact later on it was revealed that Maharaja Satbir Singh had never executed any power of attorney in favour of the petitioner.

Learned counsel for the petitioner contended that after the dismissal of the first application of the petitioner for grant of anticipatory bail by this court vide order dated 10.04.2015, new grounds have accrued to the petitioner. He contended that the alleged agreement is on the plain paper, which carries no legal sanctity. In fact the said agreement does not bear the signatures of the petitioner, which is evident to the bare eyes when the same are compared with the signatures of the petitioner on the other documents. He further contended that an application was moved by the petitioner to the Superintendent of Police, Sangrur and inquiry on the basis of the said application is pending. The grant of anticipatory bail is very essential in order to join the petitioner in the said inquiry.

I have duly considered the aforesaid contentions.

The first petition No. CRM-M-10506 of 2015 moved by the petitioner for grant of anticipatory bail was dismissed on merits by this Court vide order dated 10.04.2015. At that time all the pleas raised by the petitioner were duly considered.

It is settled proposition of law that second petition for grant of pre-arrest bail can only be entertained if there is change in fact situation and some new grounds have become available to the petitioner. The contentions raised by learned counsel for the petitioner that agreement in question is on plain paper and that the agreement does not bear the signature of the petitioner, cannot be stated to be the new grounds as these pleas were already available to the petitioner at the time of deciding the first petition. Mere this fact that after the dismissal

of his first petition for grant of pre-arrest bail, he has moved some application to the police authorities and an inquiry is pending, is also no ground to grant him the concession of anticipatory bail. There are specific allegations against the petitioner that he had executed agreement to sell for the sale of the land belonging to Maharaja Satbir Singh and has even received a total sum of Rs.8,55,000/- as part payment, knowing fully well that he had no authority to effect the sale of the land belonging to Maharaja Satbir Singh.

Thus, in view of my aforesaid discussion the petitioner has not been able to make out any case to maintain the second petition for grant of anticipatory bail.

Consequently, the present petition has no merits and is hereby dismissed.

03.08.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**