

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-25798 of 2015
Date of Decision : 1.9.2015

Baldev Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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Present : Mr. K.B.S. Mann, Advocate for the petitioner.
Mr. D.S. Virk, AAG, Punjab.
Mr. S.P.S. Sidhu, Advocate for the complainant.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks bail pending trial in FIR No.05 dated 21.4.2015 under Sections 420,467,468,471 and 120-B IPC, registered at Police Station N.R.I. Bathinda, Distt. Bathinda.

Learned counsel for the petitioner submits that petitioner has been falsely implicated by the complainant only because of the reason that after the petitioner transferred his land in the name of the son of the complainant and also in favour of complainant, he turned dishonest and got the present FIR registered against the petitioner. He further submits that the amount received by the petitioner on account of sale proceeds, pursuant to the sale of the land of the complainant, as a matter of fact, was paid to the complainant. However, since they were brothers, no receipt was insisted by the petitioner in that regard. He

prays for allowing the present petition.

On the other hand, learned counsel for the State submits that petitioner has committed a fraud with his own brother by selling 16 acres of land taking undue benefit of the absence of his brother, who was a N.R.I. Petitioner could not show even, prima facie, that he has made any payment to his brother-complainant after selling 16 acres of land of the complainant. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant vehemently opposes the present petition, contending that the petitioner has not only committed breach of trust, but he has defrauded his brother. The huge amount which the petitioner received after selling the land has been misappropriated by him, which was more than ₹ 1.00 crore. In such a situation, petitioner is not entitled for the concession of anticipatory bail. He also prays for dismissal of the present petition.

Having heard learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this court is of the considered opinion that in the totality of facts and circumstances of the case, noticed herein above, petitioner has not been found entitled for the concession of anticipatory bail. It is a matter of record that the petitioner could not show even, prima facie, that he, as a matter of fact, paid any amount to his brother after selling his land measuring 16 acres for a huge amount of more than ₹ 1.00 crore. This was the reason that the petitioner was directed to show his bonafide in this regard, vide order dated 10.8.2015. However, petitioner has failed to ensure meticulous compliance of the said order passed by this court, which has also left him disentitled for any kind of relief, including the discretionary relief of

anticipatory bail.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, custodial interrogation of the petitioner would be the compulsive necessity of the investigating agency, so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

1.9.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE