

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

**Criminal Misc. No. M-27592 of 2015
Date of Decision: 10.9.2015**

Bagel Singh

--Petitioners.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 25 dated 4.2.2015 registered under Sections 406/420/467/468/471/120-B at Police Station Shimlapuri, District Ludhiana.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner places reliance on Annexure P-2, to contend that role of the petitioner was only to identify the persons to the sale deed. He submits that neither the

petitioner identified any wrong person nor he was the beneficiary of the sale deed bearing No. 17718 dated 12.12.2003 (at one place incorrectly typed as 12.1.2003). He further submits that since the petitioner had the abovesaid limited role to play, he has not committed any fraud and is entitled for the concession of the anticipatory bail. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Angrej Singh, submits that petitioner identified the parties to the sale deeds qua the land, which was, as a matter of fact, not found existing at the site. In such a situation, malafide intentions of the petitioner are very much established on record that he did the same certainly for extraneous considerations. He further submits that petitioner played an active role in facilitating the co-accused for duping the complainant bank to the tune of ₹7 crores. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said, because the petitioner has not instructed the learned counsel correctly, because of which learned counsel for the petitioner made a statement before this Court on the last date of hearing, i.e. 20.8.2015, that the petitioner was not the attesting witness to the sale deed in question. Without the tacit connivance of the petitioner, his co-accused could not have duped

the complainant bank for a huge amount of ₹7 crores.

Order dated 20.8.2015, passed by this Court, reads as under:-

“Petitioner seeks pre-arrest bail in FIR No.25 dated 4.2.2015 registered under Sections 406/420/467/468/471/120-B at Police Station Shimlapuri, District Ludhiana.

Learned counsel for the petitioner submits that petitioner was not the attesting witness to sale-deed No.17718 dated 12.12.2003 (at one place incorrectly typed as 12.1.2003). He further submits that petitioner only identified one of the parties to the sale-deed and beyond that he had no role to play.

Notice to Advocate General, Punjab, for 10.9.2015.

In the meantime, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 28.8.2015 and cooperate with the investigating agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigating agency, by issuing a notice under Section 160 Cr.P.C.”

In view of the law laid down by the Hon'ble Supreme Court

in S.S.Mhetre Vs. State of Maharashtra and others, 2011 (1) SCC 694, petitioner is not entitled for the concession of anticipatory bail for the reasons recorded hereinabove. In fact, as per the official record shown to this Court by the learned State counsel, during the course of hearing, petitioner has been found to be an attesting witness to the sale deed in question. In such a situation, custodial interrogation of the petitioner will be the compulsive necessity of the investigating agency to conduct an effective investigation.

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, no case for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

10.9.2015
AK Sharma