

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

**CRM M-31969 of 2015 (O&M)
Decided on : 29.10.2015.**

Bakshish Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vikas Gupta, Advocate,
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Sagar Aggarwal, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J.

This petition is filed under Section 438 Cr.P.C, for grant of anticipatory bail in FIR No.148 dated 25.7.2015 under Sections 406 and 420 IPC registered at Police Station Sadar, District Tarn Taran.

It is contended that the occurrence took place on 26.4.2013 whereas, the present FIR was registered on 25.7.2015. There is an unexplained delay in lodging the FIR. The allegations against the petitioners are that Rs. 8 lacs were handed over to them by the complainant. It is further submitted that as per allegations, a writing was executed on 26.4.2013. However, no evidence in this regard, has come on record.

On the other hand, the learned counsel for the State submits that the petitioners are the nephew of the complainant, who

had sold one acre of land to Palwinder son of Chanan Singh for a consideration of Rs.19,85,000/- on 26.4.2013. The complainant is an illiterate lady, her husband is a drug addict and the children are minor, she took her nephews i.e. the petitioners along to watch her interest in the sale proceedings. The sale consideration received by the complainant was handed over to the petitioners which is not being returned to the complainant. The petitioners even filed civil suit No.268 on 1.5.2015 against the complainant for seeking permanent injunction restraining her from forcibly recovering the amount of Rs. 8 lacs.

There is no evidence on record which speaks of malafide on the part of the complainant. The complainant rather reposed faith in the petitioners, who after receipt of the sale consideration, have not handed over the same to the complainant. In view of the peculiar facts and circumstances of the case, considering the huge amount involved and the gravity of the offence, in considered opinion of this Court, the custodial interrogation of the petitioners is warranted in the present case.

No merit. Dismissed.

However, anything said hereinabove shall not be construed as an expression of opinion on the merits of the case.

29.10.2015.
SN

(JITENDRA CHAUHAN)
JUDGE