

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

CRM-M-32576 of 2015 (O&M)
Date of decision: November 19, 2015

Makhan Ram ...Petitioner

Versus

State of Punjab & another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.R. Rana-I, Advocate and
Mr. C.L. Pawar, Advocate for the petitioners.

Ms. Rajni Gupta, Addl. Advocate General, Punjab.

Mr. Sarju Puri, Advocate for respondent No.2.

Rajan Gupta, J.

This order shall dispose of three CrI. Misc. Petitions bearing Nos.CRM-M-32576 of 2015, CRM-M-32651 of 2015 and CRM-M-31614 of 2015, filed by petitioners Makhan Ram, Dilbagh Singh and Dharampal respectively, under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioners under Sections 406, 420 and 120-B IPC at Police Station Balachaur, District SBS Nagar, vide FIR No.91 dated 15.07.2015.

Learned counsel for the petitioners submit that petitioners have nothing to do with the alleged offences and they have been implicated falsely in the present case. They submit that there is no cogent evidence against the petitioners and the police has been unnecessarily harassing them.

The matter has already been compromised between the parties. They further

submit that the dispute is purely of civil nature. Thus, petitioners deserve concession of pre-arrest bail.

Prayer has been opposed by the learned State counsel as well as counsel for respondent No.2 on the ground that allegations against the petitioners are serious in nature. They further submit that despite assurance given by the accused in court, part payment of Rs.5.00 lacs was not made by accused Jagir Singh to the complainant. Therefore, they are not entitled to concession of pre-arrest bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR in the present case was lodged by Amrik Chand alleging that Jagir Singh, father and uncle of petitioners Makhan Singh and Dilbagh Singh, approached him and informed that he was a property dealer and he took Rs.14.00 lacs from him in October, 2013 and gave cheque bearing No.011831 dated 25.03.2014. In the presence of the witnesses, Jagir Singh admitted that he had taken Rs.14.00 lacs from the complainant and would either return the same to him or would buy land for the complainant to adjust said amount of Rs.14.00 lacs. It is further alleged that on 13.01.2015, Jagir Singh entered into an agreement to sell, to be executed on 28.01.2015. However, on the said date, accused party did not come present before the Sub Registrar, Balachaur. The complainant marked his presence before the Sub Registrar. Thereafter, Jagir Singh assured the complainant that he had eight acres of land in village Kalar and after having been induced by him, complainant again executed an agreement to sell. When accused party failed to execute the sale deed, complainant came to know that Jagir Singh had already sold the land to somebody else. The complainant had to recover

an additional amount of Rs.7,50,000/- from Jagir Singh. He also gave Rs.1,30,000/- and another Rs.2,00,000/- to Jagir Singh after mortgaging gold items and after selling his land in villages Mubarakpur and Dhulewal, Distt. Ludhiana and gave a total sum of Rs.44,80,000/- to Jagir Singh but the accused committed fraud upon him. It is further alleged that three cheques given by Jagir Singh to the complainant were also dishonoured by the bank. The petitioners are witnesses to the agreement.

Keeping in view the allegations against the petitioners, I am of the considered view that they are not entitled to concession of pre-arrest bail. The complainant was induced to give a huge amount of Rs.44,80,000/- to Jagir Singh on various occasions on false assurance of sale of land and agreement to sell was also executed between the parties. Custodial interrogation of the petitioners may be necessary to take the investigation to its logical end and effect recovery of money etc. All the petitions are without any merit and are hereby dismissed.

(RAJAN GUPTA)
JUDGE

November 19, 2015
'Rajpal'