

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

CRM-M-43766-2014

Date of decision: 8.5.2015

Amrik Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Sandeep Chopra, Advocate for the petitioner

Ms.Simsi Dhir Malhotra, DAG, Punjab assisted by
ASI Swaran Singh

Mr.JP Ratra, Advocate for the complainant

SNEH PRASHAR, J.

The present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of anticipatory bail to the petitioner in case First Information Report No.124 dated 8.6.2014 registered under Section 420, 120-B of the Indian Penal Code at Police Station Rajpura City, District Patiala.

The accusation against the petitioner and co-accused is that they cheated the complainant and received a sum of Rs.12 lacs as earnest money with regard to the plot.

Submissions made by Mr.Sandeep Chopra, Advocate representing the petitioner; Ms.Simsi Dhir Malhotra, Deputy Advocate

General, Punjab and Mr.JP Ratra, Advocate appearing for the complainant have been heard.

It is submitted on behalf of the petitioner that he is neither the signatory of the agreement to sell nor any amount was received by him and that he had been falsely implicated. Learned counsel contended that the alleged occurrence was of 2012, whereas the First Information Report was lodged in the year 2014. The petitioner was lodged in jail in some other case. When he came out, he was again picked up by the police and under threat a blank cheque was taken from him whereas he had no connection with the alleged agreement of sale. Submitting that the petitioner in compliance of the order dated 23.12.2014 has joined the investigation and nothing remains to be recovered from him, learned counsel prayed for grant of anticipatory bail to the petitioner.

Refuting the submissions made by the learned counsel for the petitioner, learned State counsel submitted that during investigation, it was found that the petitioner by impersonating himself as Jagtar Singh had signed the agreement to sell. During interregnum period, the matter was compromised between the parties and the cheque of Rs.15 lacs was issued by the petitioner in favour of the complainant. However, on presentation of the cheque, it was dishonoured. Learned counsel further submitted that the petitioner is a habitual offender as he is involved in six other cases and out of them, 3/4 cases are of similar nature.

Prima facie, perusal of the First Information Report reveals that the petitioner and his co-accused had cheated the complainant of an amount of Rs. 12 lacs paid as earnest money. During investigation it was

found that the petitioner by impersonating himself as Jagtar Singh had signed the agreement to sell. Subsequently, the cheque in pursuance of compromise given to the complainant was also dishonoured. There are number of other cases of similar nature pending against the petitioner. The modus operandi of the fraud committed by the petitioner in connivance with other accused is yet to be unearthed. The Hon'ble Supreme Court in **State rep. By the CBI vs. Anil Sharma, reported in (1997) 7 Supreme Court Cases 187** has held as under:-

“The custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C.”

Needless to say that for recovery of the money, custodial interrogation of the petitioner will be required. Accordingly, least any expression above may prejudice the case of either side, there being no ground for grant of anticipatory bail to the petitioner, his bail petition is dismissed.

8.5.2015
gsv

(SNEH PRASHAR)
JUDGE