

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9047 of 2015 (O&M)

Date of Decision:15.7.2015

Kewal Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Ramesh Sharma, Advocate for the petitioners.

Mr. K.S. Pannu, DAG, Punjab for the respondent.

NAVITA SINGH, J.

1. This petition has been filed for grant of anticipatory bail in case FIR No.89 dated 16.12.2014 under Sections 406,420,465,468,471 and 120-B of the Indian Penal Code (IPC for short) registered at Police Station Rureke Kalan, District Barnala.

2. It is submitted that the petitioners have joined investigation and it is submitted that they have nothing to do with any allurement made by main accused Bhupinder Kumar Gupta regarding money paid by the complainant.

3. Counsel for the petitioners pointed out that it was mentioned in the FIR itself that he was called by Bhupinder Kumar Gupta, who was Managing Director of Live Trading India (firm for short) and was convinced by Makhan Singh and Gurtej Singh who had taken him to be Barnala office of the firm. Those two persons Makhan Singh and Gurtej Singh are co-accused and their bail has been rejected.

4. State counsel, however, submitted that the names of the petitioners are mentioned in the FIR because when the complainant was taken to the office of the Company, the petitioners along with co-accused

Naranjan Dass, Renu Gupta and Shreekant Acharya were already present there.

5. Counsel for the petitioners submitted that the petitioners were not known to Bhupinder Kumar Gupta and there was no question of any connivance with him. State counsel, however, showed the entry regarding agreement of sell dated 5.8.2014 made by the present petitioners along with Bhupinder Kumar Gupta for purchase of certain land. This would show that Bhupinder Kumar Gupta and the present petitioners had good relations.

6. Counsel for the petitioners countered the argument regarding purchase of land stating that there was no agreement to purchase any land along with Bhupinder Kumar Gupta and that petitioner Mukhtiar Singh had sold his ancestral land and had then purchased land in 2013.

7. The purchase of any land by Mukhtiar Singh, independent of Bhupinder Kumar Gupta, would not have any connection with the present case and anyhow, he could not have purchased the same land in 2013 and then agreed along with petitioner Kewal Singh and Bhupinder Kumar Gupta to purchase the same land under the agreement in August 2014.

8. It is mentioned in the present petition itself that petitioner Mukhtiar Singh also purchased land jointly with Bhupinder Kumar Gupta accused on 27.9.2013. How it, therefore, lies in the mouth of the said petitioner to say now that he was not known to Bhupinder Kumar Gupta, is not understandable.

9. It is alleged in the petition that the complainant concealed material facts because he was one of the associates in the firm and was running a franchisee at Handiaya District Barnala and was getting huge incentives from the firm. Later on, some monetary dispute arose between the son of the petitioner and the complainant and, therefore, he filed the

present case against the petitioners. From these allegations, it is also clear that the petitioner had something to do with the firm because if he had nothing to do with the firm, there could be no monetary dispute between son of the petitioner and the complainant. Also the name of the petitioner, with whose son the monetary dispute arose, is not given in para 6 of the petition. So may be it was Kewal Singh or may be Mukhtiar Singh.

10. Renu Gupta wife of Bhupinder Kumar Gupta got anticipatory bail from this Court, as is contended on behalf of the petitioners. However, copy of order placed on record shows that only interim relief was granted to her. Even if she got anticipatory bail, it would not mean that petitioners had no role to play.

11. In view of the above, the petition is dismissed.

(NAVITA SINGH)
JUDGE

15.7.2015
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