

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-9659 of 2015 (O&M)
Date of Decision : 28.04.2015

Munish Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

1. *Whether Reporters of the local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

R.P. Nagrath, J.

CRM No. 12508 of 2015

Application is allowed and copy of civil suit (Annexure P-3) instituted by the petitioner on 08.12.2011 and bail order dated 27.02.2015 (Annexure P-4), granting bail to Inderjeet Bansal and Sanjeev Bansal, are taken on record.

CRM-M-9659 of 2015

Prayer is made by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 23 dated 06.02.2015 for offences under Sections 420, 465, 468, 471 and 120-B of Indian Penal Code (IPC), registered at Police Station Phillaur, District Jalandhar.

Surjit Singh son of Bhajan Singh recorded FIR with the police. He had made a complaint against four persons, namely;

Inderjeet Bansal, Sanjeev Bansal, Jasminder Singh Dhillon and Balwinder Kaur wife of Jasminder Singh Dhillon for having played fraud for obtaining sale deeds of properties owned by Surjit Singh aforesaid. The inquiry was conducted into the complaint and FIR was ultimately registered on 06.02.2015.

In the inquiry it was found that out of three shops Surjit Singh had entered into an agreement to sell one shop on 23.11.2011 with Ravinder Kumar son of Krishan Lal and rest of the two shops were in possession of Surjit Singh. Surjit Singh used to go abroad for his business and in his absence his property was looked after by Munish Kumar-petitioner who now claims himself to be only the caretaker. During the inquiry it was also found that Munish Kumar-petitioner played fraud by claiming himself to be the owner of properties and entered into agreement to sell with Balwinder Kaur wife of Jasminder Singh Dhillon on 01.07.2010 and obtained ₹ 20 lacs from her. One more agreement was executed by Munish Kumar-petitioner on 15.02.2011 with Balwinder Kaur aforesaid and he received total of ₹ 40 lacs and also gave receipt under his signatures and that receipt was witnessed by one Major Ram son of Sucha Ram. Cheque no. 00348 of ₹ 20 lacs was also given to Munish Kumar-petitioner. It was found that the petitioner was working as a commission agent and when his financial condition became unstable he played fraud with Surjit Singh by entering into aforesaid transactions in respect of his property. The proposed vendees are also alleged to have connived with Munish Kumar-petitioner.

Learned counsel for the petitioner, vehemently, contended that there is delay of four years in lodging FIR and Surjit Singh has not even named the petitioner as one of the accused person. In fact the petitioner has already filed a civil suit challenging the agreement to sell in question.

I have heard learned counsel for the petitioner and given my thoughtful consideration to the above argument.

Annexure P-3 is the copy of Civil Suit no. 322 of 08.12.2011 instituted by the petitioner against Inderjeet Bansal and Jasminder Singh Dhillon husband of Balwinder Kaur. It was stated by the petitioner in the said suit that he had borrowed an amount of ₹ 6 lacs from Inderjeet Bansal for his business but Inderjeet Bansal obtained his signatures on blank papers. It was further stated that there was a monitory transaction between the petitioner and Jasminder Singh, impleaded as defendant no. 2, for about 20 years and the petitioner had been borrowing money from him on interest but used to return the same. It was stated that despite return of certain amount, the accounts were not settled but defendant no. 2 also obtained his signatures on blank papers. In that suit the petitioner had admitted that Surjit Singh was in fact the owner of property in question.

It is quite clear that in the said suit for declaration challenging the documents and for permanent injunction restraining the defendants in the said suit from filing false applications against the petitioner, the petitioner is apparently responsible for the whole

delay in the matter for which he cannot take advantage. It was contended that Inderjeet Bansal and Sanjeev Bansal against whom the allegations were also made, have since been granted bail. That cannot be of any help to the petitioner as those persons were granted regular bail vide order dated 27.02.2015 (Annexure P-4) by the learned Additional Sessions Judge in the instant FIR.

The perusal of bail order (Annexure P-4) would bring out a case of serious magnitude against the petitioner for having entered into agreement to sell and handing over possession to Balwinder Kaur and others by obtaining huge amount.

In view of aforesaid discussion and that the FIR was registered after an inquiry, I would find that for such an occurrence the custodial interrogation of the petitioner is required.

No merit in the instant petition and the same is dismissed.

April 28, 2015
jk

(R.P. NAGRATH)
JUDGE