

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.12631 of 2016 (O&M)
Date of decision : 24.09.2016

Satnam Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Abhay Sharma, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Deepak Sabharwal, Advocate for the complainant.

AJAY TEWARI, J. (Oral)

On 31.05.2016 the following order was passed :-

“Prayer is for grant of anticipatory bail to accused petitioner Satnam Singh in case FIR No.0053 dated 2.3.2016 under Sections 420,120- B IPC, PS City,Phagwara,Distt.Kapurthala.

Petitioner accused Satnam Singh alongwith his brother Lakhbir Singh executed an agreement to sell dated 24.12.2008 (P-8) in favour of Anil Kumar regarding sale of

20 kanals of land on receipt of earnest money of Rs.56 lacs. The target date for execution of the sale deed was 24.12.2009. Since P-8 contained a stipulation permitting the proposed vendee-Anil Kumar to further sell, he in turn, executed an agreement to sell dated 7.1.2009(P-9) in favour of complainants on receipt of Rs.75 lacs out of total sale consideration of Rs.2.44 crores with target date of the execution of the sale deed as 24.12.2009. It transpires that the land stood already acquired by the Improvement Trust, Phagwara vide award dated 8.12.2008 and compensation deposited in Court, the petitioner accused proceeded to collect the said amount and thereby depriving the complainants, has led to the lodging of the FIR.

It is contended that a dispute regarding sharing of the deposited amount is pending in an application under Section 30 of the Land Acquisition Act filed by the subsequent vendees, however, the petitioner to show his bonafide is ready and willing to pay back the amount paid by them towards the proposed sale after adjusting the sale deed already executed in their favour qua portion of the land.

Notice of motion for 8.8.2016.

At this stage, Mr.Naresh Prabhakar,Advocate accepts notice and has not been able to correctly state the amount paid by the complainants.

Till the next date, in the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the

Arresting/Investigating Officer. Petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

Thereafter on 08.08.2016 the following order was passed :-

“Learned counsel for the petitioner prays that Anil Kumar S/o Sant Ram, resident of H.No.166, Sarabha Nagar, Ludhiana be impleaded as respondent No.2. He further states that the petitioner is ready to make the payment. He further states that the petitioner has no privity of contract with the complainant and it is only with said Anil Kumar.

Learned counsel for the complainant states that in case the petitioner pays the amount of Rs.30.00 lacs he would not oppose the grant of bail.

In the circumstances I deem it appropriate to implead Sh.Anil Kumar S/o Sant Ram as respondent No.2. Registry is directed to make necessary corrections in the memo of parties.

In the meantime let the said respondent No.2 be now served by way of dasti process.

Adjourned to 26.08.2016.”

Thereafter on 26.08.2016 the following order was passed :-

“Learned counsel for the petitioner states that the petitioner met with an accident and therefore could not serve the respondent No.2 by way of dasti process and prays

for one more opportunity to do the needful.

Let fresh dasti notice be issued to respondent No.2 for 09.09.2016.”

On 09.09.2016 the following order was passed :-

“Learned counsel for the petitioner states that within fifteen days from today, fixed deposit of Rs. 30,00,000/- (rupees thirty lacs only) will be created in favour of the Court, to be handed over to the party as per order of this Court. However, the complainant should not object to the release of money in respect of four kanals of land for which sale deed has already been executed.

Adjourned to 24.9.2016.”

Learned counsel for the petitioner states that the petitioner is not in a position to make the deposit.

Learned counsel for the complainant further states that not only the petitioner is backing out from this solemn undertaking for making the deposit, he has also resiled from the statement he made on the last date to the effect that he would not object to the release of money in respect of 4 kanals of land on which the sale deed has already been executed but thereafter even day before yesterday he has objected to the release of that money.

In the circumstances, it is clear that the petitioner has obtained the order of bail by misrepresenting and by making a false undertaking before this Court and has enjoyed the bail order for the last

almost four months on the strength of this falsehood.

Keeping in view the facts of the case, I do not deem it appropriate to grant the concession of anticipatory bail.

Petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

24.09.2016

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No