

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

CRM-M No. 19106 of 2015 (O&M)

Date of decision: 17.08.2016

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Chopra, Advocate
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Joginder Singh.

Complainant in person with
Mr. K.K. Goel, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.09 dated 16.05.2015, registered under Sections 420, 465, 467, 468 and 120-B IPC, at Police Station NRI, Ludhiana City.

The learned counsel refers to the general power of attorney dated 23.01.1996 to contend that no criminal case is made out against the petitioner. In fact, civil litigation is already pending between the parties and the present FIR is counter blast just to harass

and humiliate the petitioner. In pursuance of order dated 05.06.2015, the petitioner has joined the investigation.

On the other hand, the learned State counsel, on instructions submits that though the petitioner has joined the investigation, however, he is not cooperating.

Heard.

As per the case of the prosecution, the petitioner, who is real brother of complainant, Jagjit Singh was appointed as general power of attorney which was subsequently revoked on 14.02.2013. After the revocation, the land was sold and earnest money of Rs. 20 lacs was taken by the petitioner which as per the petitioner was handed over to father in-law of the complainant, who is present in the Court and was heard in person. He states that no such amount was received by him. The payment of alleged amount of Rs. 20 lacs was made on behalf of the purchaser Charanjit Singh, real brother of both petitioner and complainant who is settled abroad. There is no evidence on record that as to how the said amount was received by the petitioner for making further payment to other brother (complainant). Further, there is no document that petitioner withdrew the amount from any bank or borrowed from any commission agent. Moreover, during investigation by the police, an inquiry was made by Punjab State Commission for NRIs, which observed that the agreement in question is ante dated. The stamp vendor from whom

the stamp papers for writing the agreement was purchased, revealed that he had misplaced his register and had registered a DDR in that regard. Keeping in view the allegations and in view of the fact that despite availing repeated opportunities, the petitioner has not cooperated in the investigation, no case for bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

17.08.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No