

CRM-M-30073-2015 (O&M)

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

**CRM-M-30073-2015 (O&M).
Decided on: January 28, 2016.**

Paramjit Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Ghulam Nabi Malik, Advocate,
for the petitioner.**

Ms.Harpreet Kaur Athwal, DAG., Punjab.

**Mr.Harsh Aggarwal, Advocate
for the complainant-respondent.**

M.M.S. BEDI, J (ORAL).

Petitioner seeks the concession of pre-arrest bail in a case of cheating registered at the instance of Rakesh Gupta.

Brief facts, relevant for the adjudication of the present petition, are that a dispute had arisen between complainant Rakesh Gupta and the petitioner pertaining to an agreement of sale which was settled between the parties whereby the petitioner paid a sum of Rs.10 lacs to the complainant agreeing to pay the remaining amount of Rs.30 lacs by 10.10.2013. The allegation levelled by the complainant is that the petitioner had not paid the remaining amount of Rs.30 lacs but has prepared a fake and forged panchayati

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compromise in the shape of a writing wherein it is noted that the complainant has received a sum of Rs.30 lacs whereas no such amount has been paid to the complainant.

Counsel for the petitioner has submitted that no doubt sum of Rs.10 lacs had been returned to the complainant under the pressure of the police but as a matter of fact on receipt of sum of Rs.30 lacs by the complainant against the compromise, the matter has been amicably resolved and sum of Rs.30 lacs has already been paid against the writing dated 10.10.2013.

Counsel for the petitioner has also submitted that neither there is any specific allegation against him of having forged the compromise in the FIR nor the investigation pertaining to signatures of petitioner has been conducted.

I have heard the counsel for the petitioner, counsel for the complainant as well as the State counsel and carefully gone through the police record. The main allegation against the petitioner, at this stage is that he had received a sum of Rs.40 lacs from the complainant on the basis of an agreement of sale with Shiman Madan wife of Sham Lal dated 13.5.2011. The petitioner had to execute the sale deed of said property in favour of the complainant but on account of terms of the agreement having not been materialized by enforcement of the rights, the parties had agreed that a sum of Rs.40 lacs would be returned to the complainant. The petitioner admits that he has repaid sum of Rs.10 lacs. The said fact

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has also not been denied by the complainant.

The only controversy is regarding payment of sum of Rs.30 lacs to the complainant by the petitioner pertaining to the compromise dated 10.10.2013.

With the assistance of the Investigating Officer, I have gone through the original compromise propounded by the petitioner which is purported to have been signed by the complainant and the petitioner in the presence of witnesses Kulwant Singh and Madan Singh and the Investigating Officer has recorded the statements of said persons alleged to have witnessed the compromise.

Statement of Kulwant Singh has been recorded to the effect that he had not signed the said document.

So far as Mandeep Singh other witness is concerned, he has made an attempt to help the petitioner by stating that a sum of Rs.30 lacs had been paid to the complainant in the evening which goes contrary to the claim of the petitioner that amount stood paid in the morning. In the investigation conducted till date, there is no prima facie material available on the record indicating that a sum of Rs.30 lacs has been paid on 10.10.2013, to settle the dispute. The compromise relied upon by the petitioner is not sufficient enough to enable this Court to arrive at a prima facie conclusion regarding disbursement of huge sum of Rs.30 lacs by the petitioner to the complainant. The original compromise has also been

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seen bearing the signatures of the complainant which has been returned to the Investigating Officer.

Petitioner no doubt has joined investigation but in view of prima facie want of sufficient material on the record indicative of the authenticity of the compromise dated 10.10.2013, I do not find any ground to grant the concession of pre-arrest bail to the petitioner. The petition is dismissed without prejudice to the right of the petitioner to enter into genuine compromise and approach this Court for the grant of pre-arrest bail, if so advised.

January 28, 2016.
rka

(M.M.S. BEDI)
JUDGE