

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

**Crl. Misc. No.M-13799 of 2017 (O&M)
Date of Decision: August 24, 2017**

Paramjit Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Ashok Sharma Nabhewala, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior D.A.G. Punjab.

Mr. Amandeep Saini, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

This is second bail petition filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioner Paramjit Singh in case FIR No.126 dated 25.12.2015 registered for the offences punishable under Section 420 of Indian Penal Code, at Police Station Chamkaur Sahib, District Rupnagar.

Heard.

The case of the complainant, in brief, is that her husband Joginder Singh had sold 8 kanals 8 marlas of land to petitioner vide sale deed dated 14.08.2016 for ₹6,67,000/- but he paid only ₹30,000/- to her husband, who is addicted to intoxicant. On inquiry, the police finds that

Joginder Singh, husband of complainant is liquor addict. In order to facilitate bank loan to petitioner, Joginder Singh agreed to execute sale deed of his land measuring 8 kanals 8 marlas for ₹50,000/-. The collector rate of the land was ₹76,000/- per marla. Petitioner paid ₹30,000/- to Joginder Singh and got the sale deed executed by paying the requisite stamp duty of ₹60,100/- as per collector rate. Then he raised a bank loan of ₹5 lakh against that land. He even did not pay the remaining ₹20,000/- to Joginder Singh.

Learned counsel for the petitioner has argued that petitioner has purchased the land vide registered sale deed after paying the total sale price. This plea of the complainant that only ₹30,000/- was paid to her husband, has no weight.

On giving a careful thought to the submissions of learned counsel for the petitioner and on perusal of case file, I find no reason to agree with the submissions of counsel for the petitioner. It appears to be a case where the petitioner has played smart. Admittedly, after the sale deed in his favour, he took loan of ₹5 lakh from Central bank of India by mortgaging this plot. If he had money to pay ₹6,67,000/- to pay to Joginder Singh and to spend on the stamp fee and other registration expenses, he would not require to raise loan of ₹5 lakh on the plot. The conduct of the petitioner in the earlier bail application filed in this Court shows that he has tried to conceal several facts.

In the earlier bail application (CRM-M-4051-2016), while allowing interim bail, it was ordered as follows:-

“Counsel for the petitioner is directed to satisfy this Court by indicating prima facie material with the

petitioner regarding availability of the amount of ₹6,67,000/- and having handed over the same to the complainant Satya Devi or Joginder Singh.”

During investigation, a Compact Disc (CD) of conversation of petitioner with one Rajinder Singh son of Waryam Singh resident of village Ferozepur was produced. With regard to the CD, it was stated by Assistant Superintendent of Police, Sri Chamkaur Sahib, District Rupnagar in his affidavit dated 22.09.2016 filed in the earlier petition, as follows:-

“4. That it is most respectfully submitted that the investigation of the case is being carried out by the police of P.S. Sri Chamkaur Sahib in an impartial and unbiased manner and as per law and during investigation, one CD has been produced by Ram Nath son of complainant wherein the petitioner is allegedly talking to one Rajinder Singh son of son of Waryam Singh resident of village Ferozepur, who is known to the petitioner, that he has purchased a land from husband of the complainant for ₹30,000/- to ₹40,000/- and the said conversation has been recorded by aforesaid Rajinder Singh on 05.01.2016 while he was talking to the petitioner at Civil Hospital. The said Rajinder Singh has also been associated in the investigation and he has confirmed the aforesaid fact.”

The matter does not end here. After the filing of that affidavit, a Coordinate Bench of this Court on the request of counsel for the petitioner, passed order dated 03.10.2016, which reads as follows:-

“Matter was adjourned on the last occasion since learned counsel for the petitioner had stated that the petitioner would try and settle the matter. He further stated that the matter could not be settled and seeks more

time.

In the circumstances, even while adjourning the case the interim order is vacated.

Adjourned to 09.11.2016.”

On 20.01.2017, counsel for the petitioner in the earlier bail application made submission which find incorporated in the order, which reads as follows:-

“Learned counsel for the petitioner contends that the petitioner is willing to return the land to the husband of the complainant.

Adjourned to 13.02.2017.”

On 13.02.2017, counsel for the petitioner sought permission to withdraw the petition as petitioner was sure that he cannot comply with the order dated 20.01.2017. He was permitted to withdraw the petition.

The facts discussed above make the things clear. It is not a case where the registered sale deed and the recital therein are to be blindly accepted. The evidence has come up during investigation that petitioner has cheated Joginder Singh husband of complainant by getting the sale deed of his land/plot executed in his favour only with a view to obtain loan from the bank. His version to this effect recorded in a CD, is also available on the police file, which has been verified by Rajinder Singh with whom the petitioner had talked regarding the sale deed. Despite orders, he had failed to show availability of sale consideration of ₹6,67,000/- with him and on 20.01.2017, had offered to return the land to husband of complainant, but

later backed out.

Taking note of all these facts and circumstances, I am of the opinion that this case call for thorough investigation for which custodial interrogation of the petitioner is required. Facts and circumstances of this case do not call for exercise of discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.

August 24, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***