

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

**Crl. Misc. No.M-17023 of 2016 (O&M)
Date of Decision: January 16, 2017**

Kamaljit Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Bhavyadeep Walia, Advocate
for the petitioner (s).

Ms. Bhavna Gupta, D.A.G., Punjab.

Mr. Abhay Gupta, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.50 dated 09.03.2016 registered for the offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code, at Police Station Samrala, District Ludhiana.

As per case of prosecution, Satpal Singh, his wife Parminder Kaur and petitioner Kamaljit Singh duped the complainant of ₹45 lacs by representing to him that Satpal Singh is owner of land measuring 15 bighas 7 biswas of land situated in SAS Nagar (Mohali). Satpal Singh is also relative of complainant as his daughter was married to son of complainant.

However that marriage ended in divorce in America on 13.12.2014.

Learned counsel for the petitioner submits that the dispute pertains to the agreement and power of attorney, originals of which were not with the complainant. It was a case of matrimonial dispute between son of complainant and daughter of Satpal Singh and a false FIR has been got registered. He further submits that the petitioner had already joined the investigation and his custodial interrogation is not required.

Learned counsel for the complainant as well as learned State counsel have argued that the complainant has been duped of ₹45 lacs by Satpal Singh. Petitioner was a party with Satpal Singh to make false representation to the complainant in order to extract the aforesaid amount. Earlier the petitioner had taken a plea that he was not in India on the date of agreement and vide order dated 21.12.2016, he was asked to produce his passport in support of his contention, which he has not produced.

Main accused Satpal Singh is already on bail. The land regarding which the agreement was executed, was owned by Satpal Singh. Payment was also made to Satpal Singh. The petitioner has already joined the investigation. The case is based on documentary evidence, as such, custodial interrogation of the petitioner is not required. Though the counsel for the petitioner has raised the plea that petitioner was not in India at the time of execution of the agreement but the same was not pressed during the course of arguments. Even if the above plea be ignored, I find it to be a fit case to grant anticipatory bail to the petitioner.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 17.05.2016 is made absolute till the

presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan.

January 16, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

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

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