

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

**CRM NO. M-17252 OF 2017
DECIDED ON : 31.05.2017**

Bhag Singh and another

...Petitioners

versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr. G. S. Verma, Advocate,
for the petitioners.

Mr. Rajesh Mehta, Addl. AG, Punjab.

Mr. P. S. Punia, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Upon specific query with regard to whether the same cause of action is the subject matter of FIR No.68 dated 06.05.2015 registered at Police Station Dehlon, District Ludhiana, learned State counsel, on instructions from ASI Harjit Singh, submits that as a matter of fact, the cause of action is the same, though the complainants are different.

Learned counsel for the complainant submits that the complainant in the FIR presently in question, i.e FIR No.35 dated 08.02.2017, registered at Police Station Division No.5, District Ludhiana, was to be the beneficiary in the sale deed that was to be executed upon a compromise having been reached between

various parties in a civil suit leading to a decree, from which compromise the petitioners eventually resiled, and thereby cheated the beneficiary of the sale deed as also their own family members.

Learned counsel for the parties are also *ad idem* that as regards FIR No.68 dated 06.05.2015 registered at Police Station Dehlon, District Ludhiana, petitioner No.1 is on bail, upon him having filed a petition under Section 439 Cr.P.C, whereas the bail application of petitioner No.2 even in that case was rejected.

Considering the aforesaid facts, especially that the two FIRs actually arise out of the same cause of action, it is considered appropriate that petitioner No.1 who is already on bail in the other case, be admitted to bail even in the present FIR, whereas the bail application of petitioner No.2 having been rejected when it was filed in connection with the aforesaid FIR No.68 dated 06.05.2015, his application be dismissed.

Ordered accordingly.

The petition is disposed of.

(AMOL RATTAN SINGH)
JUDGE

MAY 31, 2017
Shalini/Poonam-II

Whether speaking/reasoned : YES/NO

Whether reasoned : YES/NO