

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

CRL. MISC. No.M-18714 OF 2017
DATE OF DECISION : 2 AUGUST, 2017

Lakhwinder Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CRL. MISC. No.M-20532 OF 2017

Gurcharan Singh

.... Petitioner

Versus

State of Punjab & another

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Anil Chawla, Advocate
for the petitioner in CRM-M-18714-2017.

Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-20532-2017.

Mr. Ramandeep Sandhu, Sr. D.A.G. Punjab.

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A. B. CHAUDHARI, J.

The petitioners have filed the present petitions under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.84 dated 05.05.2017 registered under Sections 419, 420, 465, 467, 468, 471 & 120-B IPC at Police Station Jandiala, District Amritsar Rural.

Heard learned counsel for the rival parties.

The complainant Manish Chopra son of Kewal Krishan Chopra lodged report to the Senior Superintendent of Police, Amritsar

Rural for taking action against these petitioners for playing fraud, impersonation etc.

Learned counsel for the petitioners in these petitions have vehemently argued that except for the fact that the petitioner-Gurucharan Singh and one Mangal Singh another co-accused were the witnesses to the document dated 12.10.2015, regarding the agreement, there is no other allegation against the petitioner. Insofar as the petitioner Lakhwinder Singh is concerned, he has no role to play nor has he signed any document, in respect of which the offence is said to have taken place. Learned counsel for the petitioners, therefore, contended that they are entitled to grant of anticipatory bail. Learned counsel for the petitioners Lawkhwinder Singh and Gurcharan Singh vehemently argued that this Court has already granted *ad interim* order and the same should, therefore, be made absolute as they have nothing to do with the alleged offences.

Per contra learned counsel for the complainant as well as the State counsel vehemently opposed the petition for anticipatory bail and submitted that the petitioners are the main persons who have impersonated and agreed to sell the property belonging to one Satpal Singh-the real owner, who resides abroad and has not come to India for the last 14-15 years. They further contended that the petitioners conspired and impersonated as Satpal Singh and took ₹25,00,000/- by way of earnest money from the complainant and thus cheated him. They have neither returned the money and nor they are in a position to execute the sale deed.

Upon hearing learned counsel for the rival parties at length, at the outset, I find that the allegations in the FIR are serious. Not only that, the allegations in the FIR were found to be true upon preliminary enquiry made by the concerned officer. Instead of giving all the details of the enquiry the conclusion arrived at by the investigating officer is hereinafter quoted as under:

“From my enquiry till now, Satnam Singh son of Wassan Singh, resident of Sarhali, presently Saidpur, Lakhwinder Singh son of Sardool Singh, resident of Devi Dass Pura, Mangal Singh son of Prem Singh, resident of Bhathal Bhai Ke, Paramjit Singh alias Pamma son of Bhajan Singh resident of Chuslewar, Gurcharan Singh son of Santokh Singh, resident of Manjpur, in connivance with each other impersonated Paramjit Singh alias Pamma son of Bhajan Singh, resident of Chuslewar as Satpal Singh and prepared his forged identity entered into agreement with Balraj Kumar and Manish Chopra and played fraud of Rs.25.00 lakhs. Legal action may be taken after obtaining legal opinion.”

Upon perusing the entire record, I prima facie, find that in the investigation made by the Deputy Superintendent of Police, Special Branch, Amritsar Rural, both the petitioners were found involved in the fraud in connivance with each other and have taken ₹25,00,000/- by

impersonation. The petitioners, therefore, do not deserve grant of anticipatory bail.

In the result, I make the following order:

ORDER

- (i) CRL. MISC. No.M-18714 OF 2017 and CRL. MISC. No.M-20532 OF 2017 are dismissed.
- (ii) Interim order dated 24.05.2017 passed in CRL. MISC. No.M-18714 OF 2017 and interim order dated 02.06.2017 passed in CRL. MISC. No.M-20532 OF 2017 are vacated.

2 AUGUST, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

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