

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-23194 of 2017 (O&M)

Date of Decision: 14.09.2017

Gurpal Singh @ Monty

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Birinder Singh Khehar, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab

Ms. G.K. Mann, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

CRM-26885-2017

Application is allowed and order dated 01.04.2017 passed by Additional Sessions Judge, Kapurthala is taken on record as Annexure P-5, subject to all just exceptions.

CRM-M-23194-2017

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. 06 dated 31.07.2014 registered for offences punishable under Sections 420, 403, 406 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station NRI, Kapurthala.

Heard.

FIR was got registered on the complaint by Jatinder Singh son of Bagicha Singh. As per complainant, land of Bagicha Singh measuring about 15 acres was sold to different persons on the basis of power of

attorney given by Bagicha Singh to Mangat Ram, who further executed three power of attorneys in favour of Manish Kapoor and one power of attorney in favour of Jatinder Kumar son of Gajjan Singh. Allegation against the petitioner is that he had entered into an agreement dated 06.11.2009 to purchase land of Bagicha Singh and paid ₹50 lacs. The transaction was @ ₹1.25 core per acre but no amount beyond ₹50 lacs was paid to Bagicha Singh.

Learned counsel for complainant submits that though the petitioner has neither executed any sale deed nor he is signatory to sale deed transferring land of Bagicha Singh, but he had appeared as witness at the time of embossing of power of attorney executed by Bagicha Singh. Manish Kapoor is employee of petitioner while Jatinder Kumar is driver of another co-accused, namely, Pardeep Kumar, whose bail application has been declined by this Court vide order dated 23.12.2014 passed in CRM-M-39822-2014.

On perusal of FIR, I find that there was an agreement executed by Mangat Ram in favour of petitioner concerning land of Bagicha Singh and ₹50 lacs was deposited in the account of Bagicha Singh. Remaining allegations against the petitioner are of conspiracy to sell land of Bagicha Singh to various persons, which is a fact to be determined during investigation in this case, for which custodial interrogation of petitioner is not required.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed. Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on

anticipatory bail till presentation of challan, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of anticipatory bail allowed to him and will seek regular bail on presentation of challan.

It is, however, made clear that in the event of petitioner failing to join investigation within two weeks, he will loose the benefit of anticipatory bail allowed to him.

September 14, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No