

CRM-M-26697 of 2017

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

CRM-M-26697 of 2017
Date of Decision: 26.07.2017

Amarjit Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Ms. Sukhpreet Kaur, Advocate, for the petitioners.
Mr. Arvinder Arora, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant for anticipatory bail to petitioners, namely, Amarjit Singh and Sukhwinder Singh @ Billa, in case FIR No.266 dated 08.06.2017 under Sections 406, 420, 120-B IPC registered at Police Station Ambala City, District Ambala.

According to the FIR, Gurpal Singh and Gurtej Singh sons of Mohinder Singh cheated complainant Kuldeep Singh (vendee) of ₹ 52,00,000/- because they had already entered into an agreement to sell with one Gurvinder Singh son of Bhajan Singh for the same land for which now they have agreed to sell to the complainant and said Gurvinder Singh had also obtained stay from the Civil Court against aforesaid Gurpal Singh and Gurtej Singh. During investigation, Gurtej Singh in his disclosure statement confessed that he had paid ₹ 5 lakh each to the petitioners.

Learned counsel for the petitioners contends that the petitioners are not in anyway beneficiaries to the transaction. Naming the petitioners

CRM-M-26697 of 2017

by Gurtej Singh in his disclosure statement is a very weak type of evidence. Petitioner No.1 Amarjit Singh is the maternal uncle of Lakhwinder Singh, who has attested the disputed agreement to sell executed by Gurtej Singh and his brother Gurpal Singh in favour of the complainant and for that reason, the police wants to falsely implicate him. Petitioner No.2 is simply a friend of petitioner No.1 and for that reason the police is after him. The petitioners have not played any role at any point of time in the transaction between the complainant and Gurtej Singh and his brother Gurpal Singh. She further contends that as per contents of the FIR, ₹ 52 lakh was paid by the complainant to Gurtej Singh and Gurpal Singh and not to the petitioners.

On the other hand, learned counsel for the complainant, vehemently opposing the petition, contends that Lakhwinder Singh, of whom petitioner No.1 is the maternal uncle, is the cousin of Gurtej Singh and Gurpal Singh, whereas petitioner No.2 is their friend. The petitioners are middlemen to the transaction in between the complainant and said Gurtej Singh and Gurpal Singh. Petitioners were well-aware of the previous transaction of Gurtej Singh and Gurpal Singh with Gurvinder Singh. As per disclosure statement of accused Gurtej Singh, both the petitioners have received ₹ 5 lakh each from him.

I have given thoughtful consideration to the submissions made by learned counsel for the petitioners as well as by the complainant.

In view of the totality of the facts and circumstances of the case, the petitioners do not deserve the concession of pre-arrest bail for the reasons that according to the disclosure statement of main accused Gurtej Singh, both the petitioners have taken ₹ 5 lakh each from him. Therefore,

the police has to investigate as to for what reason and in what capacity the petitioners have taken the said amount from co-accused Gurtej Singh.

CRM-M-26697 of 2017

It is needless to mention here that such type of fraudulent transactions have increased manifold in northern region and, thus, even a slightest involvement of any person, if comes to the knowledge of the police during investigation, the same has to be thoroughly investigated by interrogating the concerned person.

In view of the discussion above, petition is dismissed.

July 26, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No