

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

CRM-M-32593-2017

Date of decision:-20.12.2017

Gurjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Jagtar Singh Sidhu, Advocate
for the petitioner.

Mr.Kirat Singh Sidhu, DAG, Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner - Gurjeet Singh, an accused in FIR No.111 dated 20.7.2017 for the offence under Section 420 IPC, registered at Police Station Sardulgarh.

Briefly stated, facts of the case as per prosecution version are that the complainant Smt.Parkash Kaur had submitted a written complaint dated 8.3.2017 to Senior Superintendent of Police, Mansa against Gurjeet Singh, Jagdip Singh, Gurmit Kaur, residents of Ward No.4, Sardulgarh and Pippal Singh, Property Dealer contending therein that he had entered into an agreement to purchase 24 Kanals 6 Marlas of land @ Rs.19 lakhs

per acre with Gurjeet Singh, Jagdip Singh and Gurmit Kaur aforesaid; that it was so done vide written agreement to sell dated 12.6.2014; that Pippal Singh, Property Dealer had got the bargain struck and he had taken commission for that purpose; that the sellers had executed a sale deed for 16 Kanals 6 Marlas in favour of the complainant but did not do so regarding the remaining land, for which mutation had not been sanctioned in their favour; that they had received Rs.10 lakhs from the complainant; that subsequently they neither returned the amount nor executed the sale deed, as such, the complainant craved for taking of action against the persons aforesaid. She had mentioned in the complaint that she had moved an application to SHO, Police Station Sardulgarh, where the matter has been got compromised in the Panchayat and a sum of Rs.3,50,000/- was returned but it was not so regarding the remaining amount. On receipt of the complaint, the matter was inquired into and thereafter in light of opinion given by D.A. (Legal), Mansa, formal FIR was registered.

Apprehending his arrest in this case, Gurjeet Singh accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court learned Additional Sessions Judge, Mansa vide order dated 18.8.2017. As such, he has approached this Court asking for similar relief.

Notice of the petition was issued to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the

dispute between the parties is purely of civil nature and the complainant in connivance with the police authorities has got the FIR registered as a pressure tactic; that the petitioner has since joined the investigation and has rendered cooperation therein, therefore, interim bail granted to him by this Court be made absolute. In support of his contention, he has referred to authorities *International Advanced Research Centre for Powder Metallurgy and New Materials (ARCI) and Ors. Versus Nimra Cerglass Technics (P) Ltd. and Anr., 2015(4) R.C.R.(Criminal) 883, Dalip Kaur & Ors. Versus Jagnar Singh and Anr., 2009(4)R.C.R.(Criminal) 540* and *Ajay Mitra Versus State of M.P. & Ors., 2003(1) R.C.R.(Criminal) 674.*

On the other hand, learned State counsel has contended that the petitioner along with his co-accused has cheated a poor widow. In terms of the compromise arrived at between the parties before the Panchayat, the petitioner and his co-accused had agreed to return an amount of Rs.10 lakhs to the complainant but out of that amount, they had returned only Rs.3,50,000/- and not the entire amount. Though the petitioner has joined the investigation but he has not rendered full cooperation and has not got the recovery effected. As such, the petition be dismissed.

After hearing the rival contentions of the parties, I find that as is recorded in the interim order dated 5.9.2017, since the counsel for the petitioner had contended that the petitioner was still ready to execute the sale deed in favour of the complainant qua the remaining land, notice of motion had been issued to respondent – State and interim bail was granted

to him but now he has backed out of the said contention and learned counsel for the petitioner has stated that now the petitioner is not ready for any settlement and his petition be decided on merits. Such type of attitude can certainly be not appreciated while considering grant of discretionary relief of pre-arrest bail.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect, who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

20.12.2017
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No