

**202-A IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-38192-2016
Date of decision-20.01.2017**

**Kuldeep Singh
Vs.
State of Punjab**

...Petitioner

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. G.S.Singhpuria, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Vishal Aggarwal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.73 dated 20.09.2016, registered under Sections 420, 406 and 120-B of Indian Penal Code (in short 'IPC') at Police Station Kheri Gandyan, District Patiala.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per allegations, on 14.10.2015, complainant entered into an agreement to sell with the petitioner. The date of execution and registration of sale deed was fixed for 07.01.2016. Subsequent to the agreement to sell, the petitioner has received Rs.55 lakh as earnest money through property dealer, namely, Harwinder Singh. Learned counsel for the petitioner further contends that the petitioner is only an attesting witness and not the beneficiary.

On the other hand, learned State counsel informs that the land in question stands mortgaged with Cooperative Bank vide mortgage deed dated

30.03.2014. It is further submitted that though the petitioner has joined the investigation, however, he is not cooperating.

I have heard learned counsel for the parties and have gone through the case file.

In view of the above and considering the fact though the petitioner has joined the investigation, however, he is not cooperating; he is not a beneficiary to signatory document to both the agreement to sell with regard to same land, therefore he is not entitled to any relief. The Court feels that it is a fit case where custodial interrogation of the petitioners is required to unearth the truth.

In this view of the matter, no case for grant of bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

(JITENDRA CHAUHAN)
JUDGE

January 20, 2017
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No