

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

CRM No.M-43123-2016 (O&M)

Date of Decision: 03.03.2017

Jagan Nath

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM No.M-44397-2016 (O&M)

Karamjit Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Jammu, Advocate for the petitioner(s).

Mr. P.S. Grewal, DAG, Punjab.

Mr. A.S. Jattana, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM-M-43123-2016 (Jagan Nath Versus State of Punjab) and CRM-M-44397-2016 (Karamjit Singh & another Versus State of Punjab) as both these petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.129, dated 10.11.2016, under Sections 420/120-B IPC, registered at Police Station Barnala, District Barnala.

Counsel for the parties have been heard.

Complainant in these two cases is Jagroop Singh. Karamjit Singh i.e. petitioner No.1 in CRM-M-44397-2016 is none other than his own son. Allegations are that Karamjit Singh got suffered a consent decree in his favour from Naranjan Singh, who was father of the complainant and paternal grandfather of Karamjit Singh. It was stated that such decree was

obtained in a fraudulent manner and in relation to an estate during the lifetime of his father. The complainant upon coming in knowledge of the same, initiated appropriate proceedings and in consequence thereof, the judgment and decree in favour of Karamjit Singh was set aside and the complainant was declared owner of the estate of Naranjan Singh.

Rakesh Kumar i.e. petitioner No.2 in CRM-M-44397-2016 is alleged to be a property dealer. He is alleged to have facilitated the entering into of an agreement to sell on behalf of Karamjit Singh with a third party in spite of Karamjit Singh not being competent to do so as the judgment and decree in his favour had already been set aside. Thereafter, Karamjit Singh and Rakesh Kumar are alleged to have connived with each other and with an intention to defraud the complainant, entered into a compromise with him and as per which, they agreed to pay the sale price of the land to the complainant. Allegations are that on the pretext of fulfilling the obligations as per compromise, Rakesh Kumar, accused got opened an account in the Oriental Bank of Commerce in the name of the complainant and deposited an amount of Rs.10 lakh in such account. Rakesh Kumar is stated to have agreed to pay a further amount of Rs.5 lakh to the complainant and out of which only Rs.1 lakh was paid. Allegations are that even the amount of Rs.10 lakh deposited in the account of the complainant has been illegally and fraudulently transferred to a different account.

Learned State counsel during the course of arguments and upon adverting to the police file apprises the Court that investigation has revealed that the complainant is an illiterate person. A bank account was opened in the name of complainant, Jagroop Singh in Oriental Bank of Commerce Branch Patto Hora Singh (Moga) on 20.12.2011 i.e. Account No.

01552191013226 and an amount of Rs.10 lakh was deposited in such account. Karamjit Singh and Rakesh Kumar in connivance with each other got the thumb impression on certain blank documents of the complainant and thereafter on the same very day i.e. on 20.12.2011, the aforesaid sum of Rs.10 lakh was transferred in the account of Jagan Nath i.e. father of Rakesh Kumar. State counsel further submits that during the course of investigation, such transfer of funds has been confirmed even as per statement of Harish Kumar, Field Officer of Oriental Bank of Commerce of the concerned Branch.

Against the backdrop of the allegations and the conduct of the son, namely, Karamjit Singh having taken advantage of the illiteracy of his father and thereby duping and misappropriating money of his father and in connivance with Rakesh Kumar, property dealer as also his father Jagan Nath, this Court is not inclined to extend in their favour the concession of anticipatory bail.

Both the petitions are dismissed.

03.03.2017*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |