

Sr. No.205

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-44998 of 2016 (O&M)

Date of Decision: 20.02.2017

Parminder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CRM No. M-45333 of 2016 (O&M)

Narinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mrs. Baljit Mann, Advocate,
for the petitioner in CRM No.M-44998 of 2016.

Mr. Sudhir Rana, Advocate for
Mr. Keshav Pratap Singh, Advocate,
for the petitioner in CRM No.M-45333 of 2016.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-44998 of 2016 (Parminder Singh Vs. State of Punjab) and CRM No.M-45333 of 2016 (Narinder Kumar Vs. State of Punjab) as both these petitions have been preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.146 dated 04.10.2016, under Sections 420 and 120-B of IPC, registered at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Briefly noticed, FIR came to be registered on the complaint of Gurcharan Singh. Allegations in a nutshell are that the complainant has been duped of a sum of Rs.75 lakhs on the pretext of selling him 100 acres of land.

Reading of the FIR would reveal that an agreement to sell was

purportedly entered into between the complainant and one Ramandeep Singh.

Insofar as Parminder Singh i.e. petitioner in CRM No.M-44998 of 2016 is concerned, the allegation is that such agreement to sell had been entered into between the complainant and main accused Ramandeep Singh in his house and that money was even counted by him.

Insofar as Narinder Kumar i.e. petitioner in CRM No.M-45333 of 2016 is concerned, the allegation is that he had also played a role facilitating the entering into agreement to sell inasmuch as the chunk of land had been shown to the complainant by him.

The petitioners herein are not signatories to such agreement to sell and neither they are the attesting witnesses.

Even as per complainant's version, there is no specific entrustment of money to the present petitioners.

In pursuance to the notice having been issued in these petitions, learned State counsel upon instructions from ASI Jarnail Singh apprises the Court that the petitioners have since joined investigation.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

At this stage, learned counsel appearing for Parminder Singh in CRM No.M-44998 of 2016 has pointed out that the main accused Ramandeep Singh has in fact filed a suit for permanent injunction against the complainant. But in the notice of motion order dated 16.12.2016 passed by this Court, it has inadvertently been noticed that the complainant has filed a suit for specific performance.

Both the petitions are allowed.

Orders dated 16.12.2016 passed in CRM No.M-44998 of 2016 and 19.12.2016 passed in CRM No.M-45333 of 2016 are made absolute.

Petitions disposed of.

20.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No