

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

**CRM-M-8345-2017
Date of decision :06.11.2017**

Rulda Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

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

Present : Mr. Rohit Khullar, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition seeking pre-arrest bail has been filed by petitioner
– Rulda Singh an accused in FIR No.284 dated 20.12.2016 for offence
under Section 420 IPC registered with Police Station Rajpura, District
Patiala.

In nut-shell the case of the prosecution is that FIR was got
recorded by complainant Sharampal Singh son of Shri Bana Ram resident of
village Sural Kalan, Tehsil Rajpura, District Patiala by submitting a written
complaint addressing to SHO Police Station City Rajpura. Inter alia in the

complaint it is contended that he had entered into agreement to sell with Rulda Singh of three Kanal land for a sum of ₹13 lacs paying a sum of ₹6,55,000/- to him as earnest money, remaining amount was to be paid at the time of execution of sale deed on 01.01.2016, when complainant asked Rulda Singh to come forward to execute the sale deed, then he stated that he was busy in some work and would execute sale deed some other day. Thereafter he started putting off the matter on one pretext to other and after some time openly declared that he was not going to execute the sale deed and would rather return the earnest money; that he did not do that even; that on 29.01.2016 when complainant went to the house of Jinder Singh Numberdar of village, an attesting witness of agreement to sell, Rulda Singh was also present there and he man-handled the complainant and his wife stating that he would not return their money; that both the injured were taken to A.P. Jain Hospital, Rajpura; that at night time five persons along with Rulda Singh came there and went to Government Hospital and threatened to kill the complainant, they gave beatings to wife of the complainant and ran away; that son of complainant informed the police. After registration of the FIR, the matter was investigated, it came out that Rulda Singh had committed fraud by receiving ₹6,55,000/- as earnest money from the complainant. The accused had stated that he had borrowed ₹2,40,000/- and a wrong agreement was prepared mentioning payment of ₹6,55,000/- to him.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail, but remained

unsuccessful there, as such, he knocked at the door of this Court seeking similar relief.

Notice of the petition was given to the State.

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

As per the Panchayati compromise relied upon by the petitioner attached with the petition as **Annexure P-2**, the petitioner had agreed to pay ₹2,40,000/- to the complainant, but the petitioner has not paid even a single penny to the complainant what to talk of ₹6,55,000/-. Learned counsel for the petitioner had made a statement before this court on 14.03.2017 duly recorded in the interim order of even date that recital in the agreement to sell is to the extent that the petitioner received earnest money of ₹6,55,000/- but the same is against the record. In fact the petitioner was paid ₹2,40,000/- by the complainant as a part of loan amount. These contentions do not seem to be believable. Further the petitioner manhandling with the complainant and his wife causing them injuries and when they were admitted in the hospital attacking them by causing injuries to wife of the complainant cannot be taken lightly. Such type of a person is not entitled to concession of pre-arrest bail, which is to be granted in exceptional circumstances and not in routine. Although the petitioner has joined the investigation in terms of interim bail granted to him vide order dated 14.03.2017, but has not got any recovery effected as stated by the State counsel on instructions from the Investigating Officer, his custodial interrogation is found to be necessary for complete and effect investigation,

if the same is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the investigation which is uncalled for. Thus finding no merit in the petition, the same stands dismissed.

06.11.2017

Gaurav Sorot

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**