

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CRM-M-10368-2018

Date of decision : 27.04.2018

Jaswinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. J.S. Walia, Sr. DAG, Punjab.

Mr. Rajinder Singh Duggal, Advocate
for the complainant.

AMOL RATTAN SINGH, J.(ORAL)

Learned counsel for the State, on instructions from ASI Jagdev Singh, submits that pursuant to the order dated March 20, 2018, the petitioner has joined investigation but is not cooperating, inasmuch as he is not divulging as to what his share was in the money stated to have been fraudulently obtained/embezzled etc. by him and his co-accused from the complainant (as per the case of the complainant).

Learned counsel for the complainant also points to the order of this Court dated 31.05.2017, passed in CRM-M-16929-2017 (copy Annexure P-5), to submit that this Court already having rejected the earlier petition filed by the petitioner seeking anticipatory bail about one year ago, there would be no reason to grant him such bail now.

He also points to the fact that even the second petition filed by the petitioner seeking anticipatory bail, was dismissed eventually by this Court vide its order dated 05.12.2017 (Annexure P-7), by which time also

Court, qua the other co- accused.

Learned counsel for the petitioner however, points out that the said petition was dismissed on account of the fact that no compromise deed had been produced by the petitioner with regard to any compromise entered into with the complainant.

He has also pointed to what was noticed by this Court in the orders issuing notice and granting interim bail in this petition.

Today also the position is the same. Even though interim bail had been granted by this Court on the last date of hearing on the ground that the complainant was allegedly defrauded of land which had been returned to one Kulwant Singh, who was the original owner, I see no reason to entertain the third petition now, it being stated by learned counsel for the complainant that though the mutation entry showing transfer of land in favour of Gurvir Kaur has been reversed by the revenue authorities, the sale deed still exists, which is actually what creates the title to the property.

Considering all the above and moreover the fact that this Court had already dismissed two bail petitions seeking anticipatory bail earlier, one even after the report under Section 173 (2) Cr. P.C. had been submitted as regards the co-accused of the petitioner, this petition cannot be entertained now at this stage. Consequently it is dismissed and the interim order dated 20.03.2018 stands vacated.

(AMOL RATTAN SINGH)
JUDGE

April 27, 2018.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No