

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

CRM-M-1065-2018 (O&M)
Date of decision: May 02, 2018

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. J.S. Bedi, Senior Advocate with Mr. J.S. Chahal, Advocate
for the petitioner (in CRM-M-1065-2018).

Mr. Navjot Singh, Advocate for the petitioner
(in CRM-M-48696-2017).

Mr. C.L. Pawar, Senior DAG, Punjab.

Mr. R.S. Thakur, Advocate for complainant
Naresh Kumar Khurana.

Ms. Promila Nain, Advocate for complainant- Ranjan Bhatia.

Rajan Gupta, J.

This order shall disposed of two petitions i.e. CRM-M-1065-2018 and CRM-M-48696-2017, under section 438 Cr.P.C., filed by petitioners Avtar Singh and Kashmiri Lal respectively, seeking pre-arrest bail in a case registered against the petitioners under Sections 406, 419, 420, 465, 467, 468, 471 & 120-B IPC, at Police Station City, Kharar, vide FIR No.147 dated 04.07.2017.

Complainants Ranjan Bhatia and Naresh Khurana made a complaint to Senior Superintendent of Police, SAS Nagar, for taking action against the accused, who had cheated them of Rs.70.00 lacs. They allegedly

sold a 400 sq. yards plot bearing No.75, Gilco Valley, Kharar, owned by Naresh Khurana by asking accused Ramesh Kumar to impersonate as Naresh Khurana. A preliminary enquiry was, thus, undertaken by Dy. Superintendent of Police (Investigation). Both the parties were associated in the enquiry. Finding a prima facie case, FIR under Sections 406, 419, 420, 465, 467, 468, 471 & 120-B IPC was registered against Rakesh Kumar, Avtar Singh Sarpanch, Kirpal Singh, Ashok Kumar, Avtar Singh son of Charanjit Singh, Kashmiri Lal and Nirmal Singh. Investigation ensued and statements of witnesses under section 161 Cr.P.C. were recorded. During pendency of investigation, co-accused of the petitioners namely, Avtar Singh of Star Property, preferred a pre-arrest bail petition (CRM-M-32120 of 2017) before a coordinate bench. The court was pleased to release him on bail on depositing Rs.22.00 lacs. Petitioners were asked to join investigation in compliance of orders passed by this court. On 27.11.2017, petitioner executed a settlement with complainant Ranjan Bhatia agreeing to pay Rs.29.00 lacs to him. Another accused Kirpal Singh promised to pay Rs.19.00 lacs and Gaurav Singh Rs.12.00 lacs in lieu of the amount taken for the plot. Said writing has been annexed herewith as Annexure R/1 to the affidavit filed by Deep Kamal, Dy. Superintendent of Police, Sub Division, Kharar. Investigating agency has taken the stand that during the entire fraudulent transaction, a fake account was opened in the name of Naresh Khurana, who is NRI. Certain amount was transferred to this account. Accused even generated fake Pan Cards and Adhar Cards. The other accused Kashmiri Lal is alleged to have acted as a witness when the sale deed was executed.

Mr. Bedi, learned Senior counsel for the petitioner Avtar Singh argued that petitioner had no role to play in the crime. His involvement is highly doubtful. Besides, accused Avtar Singh was not a beneficiary of the deal in any manner. Learned counsel for accused Kashmiri Lal submitted that he has been falsely implicated.

The State, however, maintained that custodial interrogation of the petitioners was necessary to take the investigation to its logical end.

On careful consideration of the matter, I am of the considered view that accused are not entitled to concession of pre-arrest bail. Petitioners Kashmiri Lal and Avtar Singh are alleged to have entered into agreement to sell with complainant Ranjan Bhatia knowing well that owner of the land was Naresh Khurana. The manner, in which they are stated to have hatched the entire conspiracy and in order to dupe the owner, who is an NRI, and innocent purchaser, their custodial interrogation may be absolutely necessary. The entire modus operandi of the crime needs to be unravelled. It appears, they have succeeded in hampering the investigation so far either due to pendency of the petition or due to protective order. Thus, petitioners are not entitled to discretionary relief of anticipatory bail. Petitions are without any merit. Same are hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 02, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No