

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19430-2018 (O&M)
Date of Decision:-25.07.2018.

Gurmeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Amandeep Saini, Advocate for the complaint.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has sought for anticipatory bail in case FIR No.33 dated 21.02.2018 under Sections 406/420/120-B IPC, registered at Police Station Dera Bassi, District SAS Nagar, Mohali (Annexure P-1).

2.) Learned counsel for the petitioner submitted that the alleged transaction relates back to the year 2015 and the complainant has approached by making necessary complaint only in the year 2017, whereas, FIR has been filed on 21.02.2018. Having regard to these events, petitioner is entitled to anticipatory bail. It was also submitted that in yet another FIR, where petitioner has been extended the benefit of bail vide Annexure P-4. Petitioner is prepared to join investigation. Thus, petitioner be extended the benefit of anticipatory bail.

3.) *Per contra*, learned State counsel, on instructions from ASI Narinder Singh, submitted that petitioner and his father are involved in large scale transaction in respect of giving assurance to the general public or particular person to the extent that plot will be allotted in their name while taking advance amounts from time to time during the period from 2015 to 2017. State has come to the notice that such cases are in 18 number. In respect of transaction, certain receipts have been issued by the petitioner. If the petitioner is given protection of bail, he may misuse insofar as tampering witnesses and records. Hence, petitioner is not entitled to the benefit of anticipatory bail.

4.) Heard the learned counsel for the parties.

5.) Crux of the matter in the present petition is whether the petitioner is entitled to anticipatory bail or not. No doubt the alleged transaction relates back to the year 2015 and 2017 and so also filing of FIR on 21.02.2018. At the same time, one cannot lose sight relating to large number of transactions entered by the petitioner and his father in respect of sale of plot and alleged to have played fraud. Supreme Court has come down heavily in respect of cases where there is a fraud with the general public in respect of property deal like sale and purchase, Court should be slow in extending bail. Supreme Court in the case of **Parbatbhai Aahir @ Parbatbhai Bhimsinbhai Kumar and Ors. Vs. State of Gujarat and another** reported in **2017 SCC OnLine SC 1189** in para 17 held as under:-

*“17. The same principle was followed in Central Bureau of Investigation v Maninder Singh by a bench of two learned Judges of this Court. In that case, the High Court had, in the exercise of its inherent power under **Section 482** quashed proceedings under **Sections***

420, 467, 468 and 471 read with Section 120-B of the Penal Code. While allowing the appeal filed by the Central Bureau of Investigation Mr Justice Dipak Misra (as the learned Chief Justice then was) observed that the case involved allegations of forgery of documents to embezzle the funds of the bank. In such a situation, the fact that the dispute had been settled with the bank would not justify a recourse to the power under Section 482:

“...In economic offences Court must not only keep in view that money has been paid to the bank which has been defrauded but also the society at large. It is not a case of simple assault or a theft of a trivial amount; but the offence with which we are concerned is well planned and was committed with a deliberate design with an eye of personal profit regardless of consequence to the society at large. To quash the proceeding merely on the ground that the accused has settled the amount with the bank would be a misplaced sympathy. If the prosecution against the economic offenders are not allowed to continue, the entire community is aggrieved.”

In view of these facts and circumstances, read with the Supreme Court decision cited supra, petitioner has not made out a case so as to seek anticipatory bail.

6.) Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

July 25, 2018.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.