

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Hemlata
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CRM-M-28355-2018 (O&M)

Date of decision: 13.07.2018

Harjinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Anupam Gupta, Sr. Advocate with
Mr. Karan Bhardwaj, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Prateek Gupta, Advocate
for the complainant.

RAJBIR SEHRAWAT, J. (ORAL)

Prayer in this petition is for grant of bail pending trial in case
FIR No. 82 dated 16.04.2018 under Sections 420, 465, 467, 468, 471, 120-B
of IPC, registered at Police Station Civil Lines, Patiala.

Learned counsel for the petitioner submits that the allegation
against the petitioner is that he has executed an agreement to sell dated
04.01.2014 regarding transfer of Tagore Theatre, owned by KVA
Entertainment Ltd., in the name of Gurcharan Singh; by describing himself
as a Director of the above said Company, although the petitioner was not a
Director in the Company on this date. Hence it is alleged that the petitioner
in collusion with other accused, executed this agreement to usurp the above
said property.

While arguing, counsel for the petitioner has submitted that he
has never executed the said agreement to sell. In fact, this document is
fabricated, at the instance of the complainant and with the collusion of the

alleged purchaser and witnesses of the said agreement to sell, just to drag the petitioner in a criminal case. Counsel further submits that the petitioner was abducted by the complainant and his henchmen and he was asked to sign certain blank papers. In this regard he had already made complaint to the appropriate authorities. At other time, the petitioner was rescued from the complaint by the police at Mohali. In fact the alleged vendee and witnesses of the said agreement are in league with the complainant. The alleged vendee had filed a civil suit on the basis of the agreement qua the property. However, the same was withdrawn by him just after about 10 days. Therefore, although initially the names of the purchaser and witnesses were also mentioned in the FIR, however, that was done under a design to create evidence, because just after 11 days of registration of the FIR, the complainant himself has given an affidavit to the police that he does not want to proceed in the said FIR against the above said purchaser Gurcharan Singh, as well as against the alleged witnesses of this agreement to sell. The counsel further submits that this collusion is further forfeited by the fact that the alleged purchaser Gurcharan Singh had withdrawn the suit also on the same date as that of the affidavit filed by the complainant.

Learned State counsel, being instructed by ASI Meura Singh, submits that in fact during the investigation, it has been found that the agreement in question is antedated; since it has been created on a stamp paper which was issued by the Treasury in the year 2018; whereas the agreement on this paper is shown to have been executed in the year 2014.

Learned counsel for the complainant submits that since the petitioner had resigned from the company in the year 2013, therefore, he had no authority to transfer any property relating to the company.

Despite all the submissions of the counsels, the fact remains that the petitioner himself is stating that the agreement is a fake document, but it is created by the complainant. He has not drawn any benefit out of it. The complainant has not suffered any loss due to this agreement since every body is branding this agreement to be fake. Moreover, the complaint against the purchaser and the witnesses of the alleged agreement to sell has been withdrawn by the complainant himself by filing affidavit before the police. Therefore the allegations of the petitioner may appear to be having some credence. However, testing the veracity of those allegations is not the scope of the present petition. The petitioner is in custody since 29.05.2018 and is not required for any investigation purpose.

In view of the above, but without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

13.07.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No