

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

1. CRM-M-28058-2017

Rupinder Singh Sarsua

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-31310-2017

Jaswinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision : 30.1.2018

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

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

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr.Deepak Aggarwal, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of pre-arrest bail i.e. **CRM-M-28058-2017** filed by petitioner - Rupinder Singh Sarsua and **CRM-M-31310-2017** filed by petitioner Jaswinder Singh, both of them being accused in FIR No.153 dated 26.7.2017, under Sections 419,

420, 467 IPC registered with Police Station Civil Lines, Bathinda, District Bathinda.

Briefly stated, facts of the case as per prosecution story are that FIR in question was registered on the basis of written complaint submitted by complainant Janak Singh son of S.Santa Singh, resident of # MCB-Z-2 10847, Parinda Road, Bathinda, addressed to SSP, Bathinda seeking taking of legal action against his son Rupinder Singh Sarsua c/o E School, Bathinda contending therein that he has retired as DSP from Punjab Police on 30.4.2016; that he has two sons and one daughter, all three of them being married; that Rupinder Singh Sarsua is his elder son and in the year 2008, the complainant had started E School ILETS Centre at Ajit Road, Bathinda and he had given Rs.26 lakhs by way of RTGS to Rupinder Singh Sarsua for construction of building of E School from joint account No.11155304761 of SBOI Mandi Dabawali standing in his name and his wife Smt.Rachhpal Kaur; that the amount had been given for purchase of land at Ajit Road with the understanding that plot which was to be purchased would have share of 75% in the name of complainant and his wife Rachhpal Kaur, remaining 25% of Rupinder Singh Sarsua, total area measuring 169 square feet, however, Rupinder Singh Sarsua with an intention to commit cheating and fraud with complainant and his wife got executed sale deed in his name of plot measuring 169 square feet from Kartar Singh son of Atma Singh, resident of Sikri Bazar, Bathinda utilizing those funds and with an intention to commit cheating got purchased two stamp papers of Rs.500/- each from Stamp vendor of the Tehsil by forging

his signature and without his knowledge typed a gift deed on stamp paper. According to the complainant when he inquired from Rupinder Singh Sarsua as to why he had prepared the gift deed, he went away with the stamp papers using vulgar language; that the photocopy of the stamp paper, however, was kept by complainant. According to the complainant due to ill health, he went to PGI, Chandigarh for treatment as he is a cancer patient; that on 14.7.2017 when Harpal Singh, resident of Phoolo Mithi and his younger son Bhupinder Singh were with him, Rupinder Singh Sarsua met him at Ghora Wala Chowk in the evening and scuffled with him stating that he has to commit cheating and complainant could do whatever he wanted to.

On receipt of this complaint, SP(H), Bathinda inquired into the matter and reached an inference that Rupinder Singh Sarsua by committing breach of trust of Janak Singh and his wife Rachhpal Kaur and by getting attested registered sale deed of plot of 169 square yard in his name with Rs.26 lakhs given by them and forging signature of Janak Singh for purchase of stamp paper and preparing gift deed, got benefit for himself, thereby committing offences under Sections 419, 420 and 467 IPC.

Apprehending his arrest in this case, petitioner/accused had approached the Court of Sessions seeking grant of pre-arrest bail but his such application was dismissed by the Court of learned Additional Sessions Judge, Bathinda vide order dated 29.7.2017. Petitioner Jaswinder Singh, whose name has cropped up during the investigation being the person, who had purchased the stamp paper on which the gift deed was scribed had also applied for pre-arrest bail in the Court of Sessions but his such application

was also dismissed by learned Additional Sessions Judge, Bathinda vide order dated 14.8.2017. As such, they have approached this Court asking for similar relief by way of filing separate petitions.

Notice of the petitions was given to the respondents, who put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State counsel as also learned counsel for the complainant besides going through the record.

The petitioners have since joined the investigation in terms of the directions issued to them while granting interim bail. Keeping in view the nature of the case, the custodial interrogation of the petitioners is not found to be necessary, therefore interim bail granted to petitioner Rupinder Singh Sarsua vide order dated 3.8.2017 and interim bail granted to petitioner Jaswinder Singh vide order dated 25.8.2017 are made absolute subject to their fulfilling conditions under Section 438(2) Cr.P.C.

Both the petitions are allowed accordingly.

(H.S. MADAAN)
JUDGE

30.1.2018
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1. Whether reportable? No
2. Whether speaking / reasoned? Yes