

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

CRM M-37306 of 2017

Date of decision : 22.02.2018

Jasvir Singh

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Bhupinder Ghai, Advocate for the petitioner.

Mr. A.A. Pathak, Additional A.G. Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of pre-arrest bail in a case registered against him under sections 406, 420 & 120-B IPC vide FIR No. 62 dated 18.07.2017 at police station Bassi Pathana, District Fatehgarh Sahib. It has been urged before the court that petitioner has been falsely implicated in the case. He has no connection with the commission of crime. Thus, he deserves the concession of bail. Learned State counsel has opposed the prayer. According to him, petitioner is the main conspirator and, thus, not entitled to concession of bail.

Brief factual background of the case is that one Jasvir Singh entered into agreement to sell dated 13.05.2016 with petitioner in respect of land measuring 68 kanals situated in village Nandpur Kalour, Tehsil Bassi Pathana, District Fatehgarh Sahib. It was settled between the parties that registered sale-deed would be executed only after Jasvir Singh got the land partitioned. A clause was also incorporated in the agreement that petitioner can further sell the said land during the period of agreement. Thereafter,

complainant-Jaswant Singh contacted petitioner and showed his willingness to purchase the aforesaid land. As petitioner was interested in further selling the land, entered into another agreement to sell dated 21.06.2016 with the complainant. However, due to land remaining un-partitioned, sale-deeds executed between petitioner and Jasvir Singh and thereafter between petitioner and complainant could not be executed. Stand of the complainant is that he has paid a sum of ₹61.00 lacs as earnest money to the petitioner in terms of the agreement. Despite repeated requests, petitioner neither executed the sale-deed nor returned the money. Even complainant remained present in the office of sub registrar Bassi Pathana but petitioner did not turn up. After registration of FIR, investigation ensued. It is evident that after interim bail was granted to the petitioner by the court below he did join investigation but failed to produce original agreement to sell dated 13.05.2016 and details as to how amount of ₹61.00 lacs had been utilized. Stand of the investigating agency is that petitioner is not cooperating. Even he did not bother to appear before the court below on 20.09.2017 despite summons issued by it.

In view of nature of allegations leveled against the petitioner, I am of the considered view that he is not entitled to concession of pre-arrest bail. His plea for bail is rejected. Petition is dismissed.

February 22, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No