

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

CRM-M-39280 of 2017 (O&M)
Date of decision: May 29, 2018

Rajinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.
Mr. C.L. Pawar, Senior DAG, Punjab.
Mr. K.S. Sekhon, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 419, 420, 465, 467, 468, 120-B IPC at Police Station Kabarwala, District Sri Muktsar Sahib, vide FIR No.113 dated 12.08.2017.

FIR was registered on the complaint made by complainant Gurbir Kaur wife of Balwinder Singh. She is owner of land measuring 17 Killas at villages Paakan and Ghumiara. Co-accused Judge Singh introduced the complainant to accused Jaswinder Singh, who is stated to be a property dealer. In the year 2014, both of them came to the complainant and insisted that she should exchange her 15 Killas of land situated at village Paakan with the land measuring 24 Killas situated in village Kabarwala and they would help her in this regard. Complainant and her husband agreed to the same. On the same day, all of them visited village

Kabarwala, where they were introduced with co-accused Sukhwant Singh (later on came to be known as Bikramjit Singh), Kulwant Singh and Rajinder Singh. Petitioner Rajinder Singh was also present at that time. After visiting the land, deal was struck @ Rs.23,10,000/- per Killa and the valuation of land at village Paakan was settled at Rs.20.00 lacs per Killa. In this way, complainant had to pay Rs.2,50,02,500/- by way of exchange to co-accused Sukhwant Singh and Kulwant Singh (both impersonators). On 12.05.2014, co-accused Judge Singh and Jaswinder Singh came to the complainant and received Rs.35.00 lacs against receipt on behalf of Sukhwant Singh and Kulwant Singh as earnest money. On 20.05.2014, complainant party was called at Sri Muktsar Sahib by accused Judge Singh and Jaswinder Singh and accused Bikramjit Singh impersonated himself as Sukhwant Singh, alleged to be owner in possession of the land and one another unidentified person was also introduced as Kulwant Singh. They executed an agreement for sale of 192 Kanals of land in favour of complainant in the presence of alleged witnesses and received another sum of Rs.5.00 lacs. Further accused received Rs.30.00 lacs on 4.9.2014, Rs.80.00 lacs on 25.7.2015 and Rs.15.00 lacs on 22.12.2015 as earnest money from the account of the complainant against receipts. Target date for execution and registration of the sale deed was fixed as 30.04.2016. On 28.06.2016, accused called complainant and her husband to Malout to get the sale deed executed and registered and they received Rs.10.00 lacs at that time and executed two sale deeds regarding land measuring 40 Kanals situated in village Kabarwala and another sale deed of land measuring 32

Kanals 13 Marlas by impersonation. In this manner, accused had cheated the complainant to the tune of Rs.1,75,00,000/-.

Allegations against the petitioner are that he used to remain present as and when land of aforesaid co-accused was visited by the complainant. He never disclosed that co-accused Bikramjit Singh and Kushaldeep Singh are not his real brothers. Further his land was adjacent to the land of his aforesaid brothers. The allegation is that co-accused have cheated the complainant with the help of the petitioner.

Keeping in view seriousness of allegations, no case for pre-arrest bail is made out. Needless to observe that FIR in question was registered in August, 2017. Proceedings are still pending. Present petition was filed way back in October, 2017. Interim bail was granted to the petitioner and taking advantage of this fact, petitioner has been trying to prolong the matter. In my considered view, custodial interrogation of the petitioner may be necessary to take the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 29, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No