

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

(1) CRM-M No. 42083 of 2017

Date of Decision: - April 26, 2018

Gurpreet Singh @ Bobby

..... Petitioner

Versus

State of Punjab

..... Respondent

(2) CRM-M No. 50097 of 2017

Amrinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vikas Bali, Advocate for the Petitioner
(in CRM-M-42083-2017).

Mr. K.S.Dhanora, Advocate for the Petitioner
(in CRM-M-50097-2017).

Ms. Rajni Gupta, Senior D.A.G., Punjab.

Mr. Nandan Jindal, Advocate for the complainant.

SUDIP AHLUWALIA, J.

These two petitions have been filed by the Petitioners Gurpreet Singh @ Bobby and Amrinder Singh under Section 438 of the Code of Criminal Procedure to seek Anticipatory Bail in case F.I.R. No.191, dated

20.09.2017, under Sections 420 & 120-B of the Indian Penal Code, registered at Police Station Jamalpur, District Ludhiana.

2. The substance of the allegations made out in the FIR is that Petitioner Amrinder Singh vide Sale Deed dated 12.2.2013 for a consideration price of Rs.1,76,000/- (One Lac Seventy Six Thousand Only), had sold the disputed property to another accused person namely Gurpreet Singh. The said Gurpreet Singh thereafter sold the same to the complainant on 19.5.2014.

3. In the meantime, one Aruna Malik, a resident of Ludhiana, filed a Suit for specific performance on the basis of an earlier Agreement to Sale allegedly executed in her favour on 14.02.2012 in which consideration price of the concerned house was mentioned as being ₹ 3,00,000/- (Rupees Three Lacs Only). The time for execution of the Sale Deed was extended in the month of October, 2012 till 14.01.2013, but Amrinder Singh did not execute the sale deed inspite of appearance of the purchaser Aruna Malik. He instead allegedly sold the house to Gurpreet Singh a month later. Subsequently, the Civil Suit filed by Aruna Malik was decreed and the relevant Sale Deed got executed in her favour on 14.3.2017. In pursuance of the decree, the complainant lodged the FIR after coming to know of these facts on 20.9.2017.

4. It has been submitted on behalf of Petitioner Amrinder Singh that he has neither any connection nor any privity with the complainant, since the disputed property had been disposed off by him more than a year before the same was re-sold by the co-accused namely Gurpreet Singh, son of Kuldeep Singh to the complainant. Ld. Counsel for Petitioner Gurpreet Singh @

Boby has separately submitted that his client is by no means a beneficiary of either the original Sale Deed executed by Amrinder Singh or even by his vendee namely the other Gurpreet Singh, and that in any case, no role has been attributed to him in the FIR.

5. This Court has perused the Case Diary. It transpires that the Anticipatory Bail Application of the other co-accused Gurpreet Singh was rejected on 8.1.2018 in CRM-M-42258-2017 with the following observations -

“7. Be that as it may, the facts that property in question was transferred by Amarinder Singh in favour of the present complainant only a year earlier to the sale made by him was valued five times less than the subsequent sale amount, and that the petitioner is a resident of the same village as Amarinder Singh, even if not directly related to him, and the fact that he had gone to the extent of giving a declaration that his original title deed had been “lost” even though he admittedly never received the same from Amarinder Singh at any stage, would go to indicate that his contention of being an outright “innocent purchaser” cannot be taken on its face value at this stage.”

6. From the observations set out above, it is clear that the other Gurpreet Singh who cheated the complainant by executing the Sale Deed dated 19.5.2014 in his favour, is a resident of the same village as the Petitioner Amrinder Singh. Thereafter the complainant's vendor namely the other Gurpreet Singh who had gone to the extent of giving a false declaration that his original Title Deed had been 'lost', even though he had never received

the same from Amrinder Singh at any stage, was virtually supported in this false declaration by the present Petitioner Gurpreet Singh @ Bobby, who is seen to have signed as a witness to the other Gurpreet Singh's loan application. Furthermore, from the available material in the Case Diary, it has also transpired that the present Petitioner Gurpreet Singh had even filed a Civil Suit against the Petitioner Amrinder Singh as well as Aruna Malik by describing himself to be a tenant in the disputed property under Amrinder Singh himself. But the said Suit was subsequently not pursued by him and was therefore, dismissed. On consideration of all these circumstances, there is a clear indication of premeditated involvement of all the three accused namely Petitioners Amrinder Singh, and two Gurpreet Singhs, in a case in which, an innocent purchaser who had incurred huge loan liability for purchasing the disputed property has been visibly cheated and put to unnecessary hardship.

7. For the aforesaid reasons, it cannot be said that the Petitioners have approached this Court with clean hands on account of which, they do not appear to be entitled to extraordinary relief by way of their release on Anticipatory Bail.

Dismissed.

(SUDIP AHLUWALIA)
JUDGE

April 26, 2018
AS

1. Whether speaking/ reasoned : Yes/ No
2. Whether reportable : Yes/ No