

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

CRM-M-42086 of 2017(O&M)

Date of decision :23.01.2018

Sapayia @ Mohammad Raffi

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Ms.G.K.Mann, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

LISA GILL,J(Oral)

Petitioner seeks the concession of anticipatory bail in FIR No.168 dated 29.09.2017, under Section 376, 384, 420, 506 IPC, registered at Police Station City Gurdaspur, District Gurdaspur.

It is submitted that there is no allegation against the present petitioner attracting the rigours of offences punishable under Sections 376, 384, 420, 506 IPC. As per allegations in the FIR, the co-accused (in custody) got an agreement executed between the petitioner and the complainant, whereby the petitioner agreed to buy agricultural land belonging to the complainant for a sum of ₹15 lakhs. Thereafter, the co-accused got the said agreement to sell cancelled, the earnest money

refunded to the petitioner was in excess by ₹1 lakh. Subsequently, the said co-accused got the same land sold to another person-Gurdev Singh Sohal for a sum of ₹30 lakhs. Most of the proceeds are alleged to have been retained by the co-accused. No details regarding the date or year of the agreement to sell executed with the petitioner is mentioned in the FIR. No allegations attracting the rigours of offence punishable under Section 376 IPC, are raised against the petitioner. It is further submitted that the petitioner has joined investigation and he undertakes to face the proceedings. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from SI Makhan Singh, verifies that the petitioner has joined investigation. No recovery is to be effected from him. It is not denied that there is no other allegation against the petitioner other than as mentioned above. The complainant has not raised any allegation attracting the rigours of the offence punishable under Section 376 IPC against the petitioner. It is pointed out by learned counsel for the State that petitioner is involved in another case i.e. FIR No. 130 dated 11.08.2008, under Section 302 IPC. However, it is not denied that the petitioner who was not named in the said case has been afforded the concession of anticipatory bail therein on 07.12.2017 in CRM-M-42687 of 2017.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above, but without commenting upon or expressing any opinion on the merits of the

case, this petition is allowed. Consequently, order dated 30.11.2017, is made absolute.

None of the observations made here-in-above shall be construed to be a reflection on merits of the case and shall have no bearing on trial.

23.01.2018

s.khan

**(LISA GILL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable:Yes/No