

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-47206 of 2018

Date of Decision: 02.11.2018

Satnam Singh & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioners.

Mr. Surinder Pal Singh Tinna, Addl.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners in case FIR No.116 dated 20.09.2018 under Sections 379-B, 201, 34 IPC registered at Police Station Jhunir, District Mansa.

As per the FIR, petitioner no.1-Satnam Singh approached the complainant to sell his land and accordingly, an agreement to sell dated 07.05.2017 for the land measuring 5 kanals 16 marlas was executed between petitioner no.1-Satnam Singh and complainant-Gurmeet Singh son of Dayal Singh for a total sale consideration of Rs.16,50,000/- per acre. The complainant gave Rs.4,00,000/- as earnest money to petitioner no.1. The sale deed of the land in question was to be executed till 04.11.2017.

After the agreement, on 25.06.2017, petitioner no.1 has taken Rs.50,000/- in cash from the complainant, followed by another amount of Rs.5500/- in cash. On 28.06.2018, another amount of Rs.20,000/- was taken from the complainant in cash. On 29.06.2018, the complainant along with Numberdar went to the petitioner-Satnam Singh and asked him to execute the sale deed. On the pretext of seeing the documents i.e. agreement to sell and pronote, wife of petitioner no.1 took these documents from the complainant and consequent thereupon, her elder son Gurmail Singh and younger son Gurmeet Singh, (petitioner no.2) ran away along with these documents. Though the complainant tried to catch hold of them, but could not succeed. On this, the complainant went to the house of Sarpanch Manjinder Singh Chahal and told him about this incident, to which he advised him not to go to the police and rather, assured that he will get the matter resolved between the parties.

Learned counsel for the petitioners has argued that there was no agreement between the parties and no money was ever given to the petitioners. He submits that the petitioners have falsely been implicated in the present case. He further submits that in order to have fair investigation in the case, the petitioner has also approached this Court vide CRM-M-37478-2018 *Satnam Singh & ors. Vs. State of Punjab & ors.* which is pending consideration.

Learned State counsel, on instructions from ASI Ganga Ram, submits that after registration of the present FIR, the matter was investigated and statement of Sukhbir Singh, who is the stamp vendor, from whom the petitioner-Satnam Singh had purchased the stamp papers

on 07.06.2017 for Rs.100/- was also recorded. Similarly, Labh Singh, who is Numberdar of Vill. Fatehpur, has also stated that an amount of Rs.4 lakhs was given by the complainant to petitioner-Satnam Singh and deed was executed in his presence. Pyare Lal, who is the scribe, has also stated that on instructions from the parties, the agreement was written by him.

Mr. Labh Singh Sandhu, Advocate has put in appearance on behalf of the complainant-Gurmeet Singh and filed his *vakalatnama* in Court, which is taken on record. He has supported the arguments raised on behalf of the State.

Having heard learned counsel for the parties, this Court finds that the aforesaid three witnesses i.e. the stamp vendor, Numberdar and scribe have deposed against the petitioners. The allegations against the petitioners are serious in nature that they instead of executing the sale deed in favour of the complainant, had snatched the very agreement from the complainant and in this manner, the evidence has been destroyed. Therefore, the contention raised on behalf of the petitioners cannot be accepted at this stage.

Accordingly, the present petition is dismissed.

However, the observations made hereinabove shall not be construed as any expression on the merits of the case.

November 02, 2018
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(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No