

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-48948 of 2017

Date of Decision: 14.02.2018

Rajinder Singh

.....Petitioner

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Om Pal Sharma, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Sudhir Mittal, J.

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 0078 dated 11.10.2017, registered under Sections 420 and 120-B IPC at Police Station, Sadar Banga, District SBS Nagar.

According to the FIR, the petitioner was known to the complainant i.e. respondent No. 2. He met the complainant in the month of January, 2016 and stated that he can show him 23-1/2 acres land which is available on lease. On examination of the revenue record the said land was revealed to be owned by one Sharanpal Singh and his mother Sukhwinder Kaur @ Mohinder Kaur. Sharanpal Singh resides abroad and he came to India in January 2016 itself. Vide agreement dated 12.1.2016, the said land was leased to respondent No. 2 for a period of two years from 15.5.2016 to 14.5.2019 at the rate of 25,000/- per acre per annum. Consequently, the complainant paid a sum of Rs. 12,70,000/- by way of cheque in the name of Sharanpal Singh @ Kala. However, when the complainant and respondent No. 2 and his brother started cultivating the land they were restrained from doing so by one Ajit Singh resident of Tehing, Police Station, Phillaur. He also took over possession of the land. When an enquiry was conducted the

petitioner appeared as Special Power of Attorney of Sharanpal Singh but the amount of Rs. 12,70,000/- paid by the complainant was not returned.

Notice of motion was issued vide order dated 21.12.2017 and interim bail was also granted.

Learned counsel appearing for the petitioner contends that the petitioner has joined investigation pursuant to order dated 21.12.2017. This fact is admitted by the learned State counsel but he submits that hefty amount of Rs. 12,70,000/- still remains to be recovered and that the alleged owner of the land in dispute; namely, Sharanpal has gone abroad. The petitioner being the Power of Attorney holder of said Sharanpal, is required for custodial interrogation because only he will be able to get the money refunded and would also be in position to make Sharanpal Singh join the investigation. It is also submitted that the petitioner being Special Power of Attorney of Sharanpal was instrumental in getting the deal finalized and he is equally involved in the offence of cheating because he too did not disclose that there is some litigation pending regarding the land in dispute. The factum of pending litigation is admitted in the averments made in the present petition as well.

Having heard learned counsel for the parties, I am of the opinion that the present petition deserves to be dismissed. The true owner resides abroad and the money has been paid to him through a cheque in his name. The complainant has lost possession on account of action of one Ajit Singh and the factum of pending litigation was not disclosed when the land was handed over on lease. Further recovery of Rs. 12,70,000/- is yet to be affected.

Thus, the petition is dismissed being meritless.

February 14, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No