

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

CRM-M-50055-2017 (O&M)

Date of Decision:-31.7.2018

Satnam Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Surjit Singh Swaich, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

Mr. P.M. Anand, Advocate for the complainant.

GURVINDER SINGH GILL, J.

The petitioner Satnam Singh seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.187 dated 7.12.2017 registered under Sections 406 and 420 of Indian Penal Code, 1860 at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

The FIR, in the present case, was lodged at the instance of Simi daughter of Jagdish Dhiman, wherein she has stated that they are three sisters and that their mother is an aged lady and that their father is a heart patient and has undergone bypass surgery. It is alleged that Santam Singh Nagra was treated by them as their 'Dharam Bhra' (brother) and that on account of their family circumstance and illness of their father they trusted

Satnam Singh Nagra. The complainant further alleged that said Satnam Singh Nagra had sold a plot owned by them at Sirhind for a total consideration of ₹ 21 lacs and had retained the entire amount while telling them that he would invest the same in some property or will advance the same as loan to some persons so as to get interest and that he shall give an amount of ₹ 25,000-30,000/- every month and that subsequently he did give the said amount on 2-4 occasions. The father of the complainant also gave a power of attorney to said Satnam Singh Nagra on the basis of which Satnam Singh Nagra sold a plot owned by their father in Ghaziabad (U.P.) for an amount of ₹ 24 lacs but Satnam Singh Nagra did not hand over the sale consideration despite repeated demands having been made by them and thus defrauded them.

Notice of this petition was issued to the State vide order dated 27.12.2017 and the petitioner was granted interim bail and had also been directed to join investigation.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact the sale proceeds of the two transactions referred to in the FIR were used to buy two more properties in favour of mother of the complainant namely Smt. Raj Rani. The learned counsel, in this context, has drawn the attention of this Court to a copy of sale deed dated 19.4.2012 (Annexure P-2) and sale deed dated 17.5.2010 (Annexure P-3). The learned counsel has further submitted that although the sale deeds referred to in the FIR had been executed way back in the year 2010, the present FIR having been lodged in the year 2017 is highly belated and is a result of concoction. It has further been submitted that the

father of the complainant namely Sh. Jagdish Dhiman has recently expired i.e. on 16.8.2017 and that during his life time he never filed any complaint against the petitioner necessarily indicating that no fraud was ever committed by the petitioner.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant has submitted that during investigation it has surfaced that the sale consideration in respect of sale of property belonging to father of the complainant had been deposited in the bank account of the accused and that the properties purchased subsequently by mother of the complainant had been purchased out of their own funds. The learned State counsel has further submitted that although the petitioner has joined the investigation but the amount in question is yet to be recovered from the petitioner and that in these circumstances the present petition deserves to be dismissed.

Having considered the rival submissions addressed before this Court and also bearing in mind the nature of allegations and also the fact that the FIR had been lodged highly belatedly and also that the present case is based entirely on documentary evidence, in my opinion, it is not a case where custodial interrogation would be required. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 27.12.2017 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

31.7.2018

pankaj

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Gurvinder Singh Gill)
Judge