

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

CRM-M-5651-2017 (O&M)
Date of decision: February 27, 2018

Amolak Singh and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Deepak Bhardwaj, Advocate for the petitioners.
Mr. A.A. Pathak, Addl. Advocate General, Punjab.
Mr. D.S. Sobti, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioners under Sections 380, 420, 451, 506, 120-B IPC at Police Station Division No.3, District Ludhiana, vide FIR No.13 dated 29.01.2017.

FIR was registered on the complaint made by Parvesh Verma against the petitioners and co-accused namely, Harcharan Kaur, Vasdev and Paramjit Singh, with the allegations that accused had agreed to sell 140 sq. yards land to the complainant bearing plot Nos.B-VI-1132, 1133, 1134 and 1135. One sale deed No.16639 dated 5.3.2015 was executed by the co-accused Harcharan Kaur in favour of mother of the complainant, namely, Smt. Santosh Verma and complainant paid Rs.1,50,000/-, vide cheque No.557914 dated 30.7.2014, Rs.1.00 lac vide cheque No.557915 dated 4.12.2014, Rs.1.00 lac vide cheque No.557916 dated 5.12.2014 and Rs.2.00

lacs vide cheque No.557917 dated 7.1.2015. Further Rs.20,72,000/- was paid by the complainant in cash in the presence of Jaimal Singh and Inderjit Singh, property dealers. A sale deed was executed on 28.4.2015 regarding 100 sq. yards of land. Rs.1,50,000/- was paid vide cheque No.554217 dated 30.7.2014, Rs.1,50,000/- vide cheque No.554217, Rs.1,50,000/- vide cheque No.554218 dated 30.7.2014, Rs.2.00 lacs vide cheque No.000018 dated 7.1.2015 and Rs.5,70,000/- was paid in cash. From the very beginning, accused had intention to cheat the complainant. A power of attorney was prepared on 2.3.2015 by Harcharan Kaur in favour of her younger son i.e. Harminder Singh (petitioner No.2 herein) three days prior to execution of the first sale deed, with intention to grab land sold to the complainant, who executed sale deed No.283 dated 8.4.2015 in favour of Vasdev. A forged agreement was also prepared by the accused containing signatures of complainant and his brother. Accused also broke open lock of shop of the complainant and committed theft of articles therein, regarding which present case was registered. It is revealed that co-accused Harcharan Kaur executed a sale deed qua 40 sq. yards of commercial property vide Wasika No.16639 dated 5.3.2015 in favour of Santosh Verma, mother of the complainant and sale deed No.1610 dated 28.4.2015 regarding 100 sq. yards in favour of Parvesh Verma. Stand of the Harcharan Kaur is that she had taken Rs.11.00 lacs as loan from the complainant and since she could not return the said amount, sale deeds of her plots were executed and by fraud sale deed of her commercial property was also got executed. The record reveals that besides present FIR, six other FIRs have also been registered against the accused, including one got registered by Judge, Special Court,

Ludhiana for furnishing fake surety.

Keeping in view seriousness of allegations, no case for pre-arrest bail is made out. FIR in question was registered on 29.01.2017. Notice of motion was issued on February 20, 2017. In my considered view, custodial interrogation of the petitioners may be necessary to take the investigation to its logical end. It may not be possible to unravel the entire *modus operandi* of the crime, in case petitioners are armed with a protective order. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

February , 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No