

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10210-2019 (O&M)

Date of Decision:-11.3.2019

Harpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rahul Bhargava, Advocate with
Mr. Jagroop Singh, Advocate and
Ms. Urmiljit Kaur, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

Mr. Vipin Mahajan, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

The petitioner Harpreet Singh has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.25 dated 6.2.2019 at Police Station Tarsikka, Amritsar Rural under Sections 420, 465, 467, 468, 471 and 120-B of Indian Penal Code.

The FIR was lodged at the instance of Narinder Singh, wherein it has been alleged that one Mangal Singh entered into an agreement for sale of his property to the complainant but instead of selling the same to the complainant, he had now directly sold the same to Dilbag Singh on 23.8.2018. It is further alleged that Mangal Singh had earlier taken an amount of ₹10 lacs as loan from him, out of which he later returned an

amount of ₹9,38,500/- and an amount of ₹55,500/- by issuing two cheques and that the cheque for an amount of ₹9,38,500/- has already been encashed. It is further alleged that now Dilbag Singh is pressurizing him to return the earnest money and upon refusal of the complainant, said Dilbag Singh, Mangal Singh and his son Harpreet Singh (petitioner) have been issuing threats to eliminate the complainant. It is alleged that now the aforesaid three in connivance with each other had prepared a forged agreement for sale of land on the strength of the cheques issued to the complainant pertaining to return of the loan amount and had also got their presence marked in the office of Sub Registrar on 26.11.2018.

The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner. It has further been submitted that the transfer of an amount of ₹9,38,500/- from the bank account of Harpreet Singh S/o Mangal Singh to the bank account of Narinder Singh complainant is duly established from the account statement in respect of the bank account of the petitioner Harpreet Singh S/o Mangal Singh and that since there is nothing convincing on record, at this stage, to show as to on what count the aforesaid amount of ₹9,38,500/-had been transferred by Harpreet Singh to the bank account of Narinder Singh, the allegations of preparing a false agreement cannot be accepted.

On the other hand, the learned State counsel assisted by the learned counsel for the complainant has submitted that since Mangal Singh, father of petitioner, had earlier filed a complaint against Narinder Singh in respect of the transaction in question but had later on withdrawn the same, the same clearly shows that he has been taking different stands at different

points of time and as such does not deserve the concession of anticipatory bail.

Having considered rival submissions addressed before this Court and bearing in mind the fact that the present case is a case, which is based mainly on documentary evidence and that the evidence regarding transfer of an amount of ₹9,38,500/- is established from the bank account transaction, in my opinion, the facts of the case do not warrant custodial interrogation. The petition, as such, is accepted and in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

11.3.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No