

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

(I)

CRM-M-12474-2019
Date of Decision: 2.7.2019

MANGAL SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(II)

CRM-M-12516-2019

DILBAGH SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Ms. Arti Kaur, Advocate for
Mr. Rahul Bhargava, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Kuljit Singh Bal, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of Mangal Singh and Dilbagh Singh seeking anticipatory bail in respect of FIR registered against them 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.

2. 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 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.
3. The learned counsel for the petitioners has submitted that a false FIR has been lodged against the petitioners. It has further been submitted that the transfer of an amount of ₹9,38,500/- from the bank account of co-accused 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 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.

4. On the other hand, learned State counsel has informed that although the petitioners have joined investigation but they are required for custodial interrogation for the purpose of recovering original agreement stated to be forged and as such do not deserve the concession of anticipatory bail.
5. During the course of arguments, learned counsel for the complainant has submitted that during the pendency of these applications, the petitioners along with others had attacked the complainant party regarding which FIR has been lodged and that in these circumstances, petitioners do not deserve the concession of bail.
6. 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 no warrant custodial interrogation. The petitions, as such are

accepted and interim directions issued vide order dated 18.3.2019 in both the petitions are made absolute subject to the condition that the petitioners would appear before Investigating Officer 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.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

2.7.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No