

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

CRM-M-14046-2019 (O&M)

Date of Decision:-11.4.2019

Rachhpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Swati Verma, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.

Petitioner – Rachhpal Singh seeks grant of anticipatory bail in a case registered vide FIR No.12 dated 5.2.2019 under Sections 420 and 120-B of IPC at Police Station Sudhar, District Ludhiana.

The FIR was lodged at the instance of Major Singh wherein it has been alleged that he had purchased 41 kanals of land situated in village Ratowal, Tehsil Raikot, District Ludhiana from Gurmeet Singh vide agreement dated 16.1.2019 for a sale consideration of ₹ 93,37,500/- and the said amount being full and final payment had been paid. It is alleged that Gurmeet Singh had himself purchased the said property from Rachhpal Singh. It is alleged that the complainant had now come to know that Gurmeet Singh had in fact already sold off his property to one Harwinder Singh and thus, said Gurmeet Singh and Rachhpal Singh had defrauded him in connivance with each other for an amount of ₹ 93,37,500/-.

The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the allegations are taken to be correct, still at best, it is the co-accused Gurmeet Singh who can be said to have defrauded the complainant and not the petitioner Rachhpal Singh as it is Gurmeet Singh who had received entire amount of ₹ 93,37,500/-.

The learned counsel has further submitted that infact the agreement allegedly executed by Rachhpal Singh in favour of Gurmeet Singh was got examined by Handwriting Expert and who has opined that the signatures of Rachhpal Singh on the said agreement are forged.

The learned counsel has further submitted that infact another case i.e. FIR No.263 dated 30.11.2018 under Sections 420 and 120-B of IPC at Police Station Sadar, District Ludhiana, had also been lodged against the petitioner wherein identical allegations had been levelled by one Harwinder Singh who had also alleged that Gurmeet Singh had fraudulently sold off a property to him which he himself purchased from Rachhpal Singh and that Rachhpal Singh was granted bail by the learned Additional Sessions Judge in the said case vide order dated 27.2.2019 (Annexure P-4).

Opposing the petition, the learned State counsel has submitted that from the facts of the case, it is evident that the petitioner Rachhpal Singh had joined hands with Gurmeet Singh so as to defraud innocent persons and since the petitioner is involved in another identical case in respect of the said land regarding which FIR No.263 dated 30.11.2019 was lodged, therefore, the complicity of the petitioner in the present case is clearly evident.

Having considered rival submissions addressed before this Court, I find that in the present case, at this stage, it cannot be discerned as to whether the petitioner Rachhpal Singh had joined hands with Gurmeet Singh or not. As per FIR, it is Gurmeet Singh who had received the amount of ₹ 93,37,500/- from the complainant and it is nowhere alleged that Rachhpal Singh had ever received any amount or that the said amount was given in the presence of Rachhpal Singh. As such, the complicity of the petitioner Rachhpal Singh would be debatable. The petition, as such, is accepted and the petitioner in the event of arrest 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 shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

11.4.2019

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No