

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

CRM-M No.38924 of 2018 (O&M)

Date of decision: 14.03.2019

Karnail Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Talwinder Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. J.S. Warring, Advocate
for the complainant.

ARVIND SINGH SANGWAN J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.62 dated 10.06.2018 registered under Sections 420, 406 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station City Jalalabad, District Fazilka.

As per the allegations in the FIR, which was got registered by one Gurharan Singh against the petitioner and 05 other persons. It is stated that the complainant had a dispute with his brother Gurdial Singh and Parminder Singh and the accused persons were appointed as Arbitrator to settle the dispute between the parties. As per the decision, the complainant was directed to make the payment of Rs.4.30 lacs, to his brother Gurdial Singh and he had paid this amount to the petitioner, who was head of the Arbitrator's team (Panchayati Salas). The

petitioner obtained the blank stamp papers for finalizing the decision and the same were kept by the petitioner and the petitioner took another blank stamp papers for the purpose of settlement of a plot for which there was a family dispute. The petitioner and others in collusion with each other kept the blank stamp papers with them and fabricated an affidavit that the amount has been returned to the complainant whereas the amount was never returned to them

Counsel for the petitioner has submitted that the complainant has given an affidavit in lieu of return of the amount and thereafter, an enquiry was conducted in which it was found that the petitioner has not committed any breach of trust or fraud and, therefore, the registration of the FIR at a later stage is on account of the political pressure exerted by the complainant.

Counsel for the State, on instructions from the Investigating Officer has, however, submitted that the matter was got enquired into by the DIG, Ferozepur and after obtaining the legal opinion and finding that the petitioner has committed an offence, the present FIR was registered as the petitioner has misappropriated the amount of Rs.4.30 lacs, which was entrusted to him being the head of the Arbitrators appointed by the parties.

Counsel appearing for the complainant has also made the similar statement and has also filed the affidavit of the complainant denying the fact that any amount has been paid. It is further stated in the affidavit that the affidavit produced by the petitioner has been fabricated just to show the refund of the amount but it was never done.

It is also argued that the petitioner has sworn another affidavit that he

has never received any amount and the affidavit relied upon by the petitioner was not bearing his thumb-impressions.

After hearing the counsel for the parties, considering the serious allegations that the petitioner, in whom the parties have reposed confidence while appointing as an Arbitrator, has himself misappropriated the amount given to him by the complainant and has never returned the same, therefore, I find no ground to grant the relief of anticipatory bail to the petitioner as his custodial interrogation is still required.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

14.03.2019
yakub

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