

Crl. Misc. No. M-8239 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-8239 of 2018

DATE OF DECISION:22.01.2019

Sandeep Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Abhishek Singla, Advocate and
Mr. K.P. Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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

DAYA CHAUDHARY, J.

The present petition under Section 438 Cr.P.C. has been filed for grant of anticipatory bail to petitioner, namely, Sandeep Kumar in case FIR No. 184 dated 19.12.2017 registered under Sections 406,420,465,467,468,471, 120-B IPC at Police Station Balachaur, District SBS Nagar.

Learned counsel for the petitioner contends that in compliance of order dated 27.2.2018, the petitioner has joined the investigation and challan has also been presented. He further contends that co-accused, namely, Parminder Singh has also been released on regular bail.

Learned counsel for respondent-State has not disputed joining of investigation by the petitioner.

However, learned counsel for the complainant has opposed the bail on the ground that on 23.10.2018, learned counsel for the petitioner had submitted that co-accused Parminder Singh already been granted bail on payment of Rs. 4,00,000/- to the complainant and he sought time to get instructions as to whether the petitioner was also willing to pay the same amount to the complainant or not. Vide order dated 13.11.2018, the matter was referred to Mediation and Conciliation Centre of this Court and parties were directed to appear there on 26.11.2018 but the petitioner was not ready to pay the amount, whereas, it is an admitted case of the petitioner that the amount was deposited in the account of the petitioner.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR including the documents available on the file.

Admittedly, vide order dated 23.10.2018, co-accused Parminder Singh has been granted bail on payment of Rs. 4,00,000/- to the complainant and time was sought to get instructions as to whether the petitioner was willing to pay the same amount to the complainant or not. Thereafter the case was adjourned and it was referred to Mediation and Conciliation Centre of this Court. As per allegations, there are money transactions between the parties with regard to sale/purchase of the land and the petitioner induced the complainant to part with the money and in connivance with other co-accused he cheated and played fraud with the complainant. The petitioner enjoyed benefit of interim bail on the ground that talks of compromise are going on between the parties.

By seeing the conduct of the petitioner as well as the fact that specific allegations are there against the petitioner as well as co-accused- Parminder Singh, who was released on bail after making payment of an amount of Rs. 4 lacs to the complainant but in the present case inspite of having various opportunities, no amount has been paid by the petitioner and, therefore, the petitioner cannot claim parity. Moreover, the conduct of the petitioner is such that he does not deserve concession of anticipatory bail. Accordingly, the present petition being devoid of any merit is hereby dismissed.

However, the petitioner is at liberty to surrender before the trial Court within a period of one week from the date of receipt of certified copy of the order. In case the petitioner surrenders before the trial Court and moves an application for bail, the trial Court is directed to decide the same in accordance with law within a period of two weeks thereafter.

January 22, 2019
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes