

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

CRM-M-13395-2020

Date of decision: - 03.06.2020

Inderjit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. B.S. Seemar, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

This petition has been taken for hearing through video conference due to Covid-19 pandemic.

Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No.97 dated 18.10.2019, under Sections 406, 409, 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Khamanon, District Fatehgarh Sahib.

Learned counsel for the petitioner argues that the petitioner has been falsely implicated in the FIR as the complainant herself had sworn an affidavit giving an account number where she intended the compensation amount to be deposited in respect of the land which was acquired and the petitioner only forwarded the said affidavit with the

account number to the SDM for the deposit of the compensation. Learned counsel for the petitioner further submits that it was only Jaswinder Pal Singh (Patwari) and his private aid, namely, Mohinder Singh @ Billu, who had done all the illegal swearing of the affidavit and the petitioner is not, in any way, connected with the deposit of the compensation amount in the account of Mohinder Singh @ Billu.

Learned State counsel argues that the complainant is a lady and in fact, she was only made to sign an affidavit, the contents of which were not known to her and the amount was misappropriated by the petitioner in connivance with the Jaswinder Pal Singh (Patwari) and his private aid, namely, Mohinder Singh @ Billu. Learned State counsel submits that the total amount misappropriated is yet to be recovered.

I have heard learned counsel for the parties and have gone through the record.

Prima facie, the land owner, while claiming the compensation will not give account number of an unknown person for deposit of the compensation. Further, the complainant is an illiterate lady and it is the duty of an officer, who is taking the affidavit to make her understand the contents of the affidavit to ensure that the claimant is giving her own account number for the deposit of the compensation amount. In the present case, the story being put-forth by the petitioner is that he never knew that the complainant was giving an account number of a stranger for depositing the compensation amount while submitting an affidavit. True facts will envisage during the investigation. Further, the amount of compensation, which was misappropriated, is yet to be

recovered, the benefit of anticipatory bail, as claimed by the petitioner, cannot be allowed.

No fault can be found in the order dated 25.11.2019 (Annexure P-9), passed by the learned Sessions Judge, Fatehgarh Sahib, declining the benefit of anticipatory bail.

Present petition is dismissed accordingly.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

(HARSIMRAN SINGH SETHI)
JUDGE

June 03, 2020
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Whether reasoned/speaking?	Yes
Whether reportable?	No