

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

CRM-M-17607-2020
Date of Decision:14.07.2020

Satish KumarPetitioner

Vs.

State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.P.K.S.Phoolka, Advocate,
for the petitioner.

Mr.Luvinder Sofat, Addl.AG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.97, dated 05.06.2020, having been registered at Police Station Kotwali, Bathinda, alleging therein the commission of an offence punishable under Section 420 of the IPC.

On July 07, 2020, the following order had been recorded by this Court:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seek the concession of 'pre-arrest bail' upon FIR No. 097 having been registered against him at Police Station Kotwali, District Bathinda, on 05.06.2020, alleging therein the commission of offences punishable under Section 420 of the IPC.

Learned counsel for the petitioner submits that the petitioner is not even the owner of the land in question, which, as per his information, is in the ownership of Satish Kumar, son of Banarsi Dass, whereas the petitioner is Satish Kumar, son of Balwant.

Notice of motion.

On the asking of the court, Mr. Sauravh Khurana, D.A.G., Punjab, accepts notice on behalf of the respondent-State, he having received an advance copy of the petition.

Upon query to both learned counsel as to whether either of them has a copy of the agreement of sale entered into by the complainant, they both submit that they do not, with Mr. Phoolka submitting that the petitioner not having signed any agreement, he in any case could not have it.

Adjourned to 14.07.2020, for learned counsel for the State to place on record the agreement of sale stated to have been entered into by the complainant.”

Today, learned State counsel appears and submits that as a matter of fact the petitioner has got two Aadhar Card issued, both having the same number (452089206260), but with his fathers' name shown to be Balwant Ram in one Aadhar Card and Sat Pal in the other.

He therefore submits that the petitioner is actually duping people in the same manner, with him already having been convicted for the commission of offences punishable under Sections 419 and 420 of the IPC, with another criminal case also having been registered under similar provisions against him.

Though Mr.Phoolka, learned counsel for the petitioner, attempts to justify the case of the petitioner even thereafter, by stating that at best it is a case of non-performance of an agreement of sale, yet, keeping in view the fact that the petitioner has got two Aadhar Card issued, with different parentage shown, with infact the contention of learned counsel for the petitioner on the last date of hearing having been that the agreement is not signed by the petitioner but by one Satish son of Banarsi Dass, I see no reason to entertain this petition, which is consequently, dismissed.

However, nothing stated hereinabove shall be taken to be an observation of this court on the actual merits of the case, for or against the petitioner, but only in the context of a petition filed seeking the concession of anticipatory bail under the provision of Section 438 Cr.P.C.

July 14, 2020

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : YES