

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

CRM-M-17990-2020

Date of decision:-9.7.2020

Jaswinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Shiv Kumar Sharma, Advocate
for the petitioner.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Jaswinder Singh, aged about 56 years, an accused in FIR No.0099 dated 31.3.2019 for the offences under Sections 406, 420, 447, 379, 506 and 120-B IPC, registered with Police Station Pinjore.

Briefly stated, facts of the case as per the prosecution story are that Baldev Singh husband and general power of attorney holder of his wife Smt.Harinder Kaur had submitted a written complaint to the police

of Panchkula against Jawinder Singh, Smt.Charanjit Kaur, Bahadur Singh, Gian Chand, Smt.Rashpal Kaur and Ranjeet Singh on the allegations of forgery, cheating, fraud and criminal breach of trust contending therein that his wife Harinder Kaur, a resident of Tribune Society, Chandigarh wanted to purchase property in Pinjore area and he had contacted Bahadur Singh related to him; Bahadur Singh stated that he would find out some suitable property, thereafter Bahadur Singh contacted Baldev Singh and on 20.7.2016, Harinder Kaur and her husband Baldev Singh went to Lamba property dealer at Pinjore – Baddi road village Lohgarh, where they came across all the accused aforementioned and then went to the site of plot measuring 3 biswas (150 sq. yards) i.e. 34 feet x 40 feet to see the location of the property comprised in Khasra Nos.415, 416, 428, 429, 471 to 479 surrounded as West side – plot of Gian Chand, north side – street road (20 ft.), east side - other owner, south side – vacant plot; the said plot was bearing Khasra No.474; Harinder Kaur and her husband were willing to purchase the property and deal was stuck for Rs.6 lakhs; 27.7.2016 was fixed for execution of agreement to sell and it was accordingly executed on that date; a sum of Rs.3 lakhs was transferred in the account of Jaswinder Singh through RTGS, whereas remaining amount of Rs.3 lakhs was paid on 5.11.2016, in that way, the entire consideration amount stood paid; thereafter the complainant constructed boundary wall and installed the gate; about 1500 bricks, which remained unutilized were left in the premises; the main gate of the premises was locked; however, after passage of some time when complainant along with her husband reached at the spot, they were surprised to see that construction of two houses was

going on at the premises of the complainant; even gate and wall had been broken and bricks of the complainant lying in the property had been stolen along with iron gate; the husband of the complainant then contacted the accused Jaswinder Singh inquiring from him as to who were constructing the house on the plot and asking him to execute the sale deed in terms of the agreement, then Jaswinder Singh told the complainant that he had already executed the sale deed in favour of Smt.Charanjit Kaur wife of Bahadur Singh on 17.11.2017 for 2 biswas since Charanjit Kaur, Bahadur Singh, Gian Chand, Rashpal Kaur and Ranjit Singh had come to his residence and asked him to sell the property to them showing him an agreement to sell of property for full payment purportedly signed by Harinder Kaur in favour of Rashpal Kaur for 1 biswas and Smt.Charanjit Kaur for 2 biswas and in that way, he had already executed a sale deed in favour of Charanjit Kaur, whereas the sale deed in favour of Rashpal Kaur was yet to be executed. In that way, Charanjit Kaur and Rashpal Kaur were raising construction over the site.

On the basis of such written complaint, formal FIR was registered.

On registration of formal FIR, apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Panchkula vide order dated 26.6.2020. As such, the petitioner has approached this Court asking for similar relief.

Notice of motion.

Mr.Apoorv Garg, DAG, Haryana, accepts notice on behalf of State and opposed the petition.

I have heard learned counsel for the parties besides going through the records.

Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

The allegations against the petitioner are very grave and serious that he had entered into an agreement to sell plot measuring 3 biswas with Harinder Kaur complainant receiving the entire consideration amount of Rs.6 lakhs but then executed the sale deed regarding that very property in favour of two other ladies i.e. Rashpal Kaur and Charanjit Kaur, who had demolished the boundary wall and iron gate constructed by the complainant around the plot and themselves started raising the construction thereon. The conduct of the petitioner/accused in doing so thus prima facie disclosed the offences of cheating and fraud.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of

the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

9.7.2020
Brij/sumit.k

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No