

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103)

CRM-M-19122 of 2020
Date of Decision: 14.08.2020

Karan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Bhupinder Ghai, Advocate, for the petitioner.
Mr. Pawan Shara, Sr. DAG, Punjab.

Amol Rattan Singh, J. (Oral)

All the 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.

On 07.08.2020, the following order had been passed:-

“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.

Pursuant to the order dated 29.7.2020, the order passed by this court (coordinate bench) on 14.12.2018, in the case of a co-accused of the petitioner, i.e. Kulwinder Singh, who had filed CRM-M-54861 of 2018, has been placed on record by the Registry, with the said order reading as follows:-

“Learned counsel for the petitioner states that the petitioner was merely an employee with the Property Dealer, namely, K.K. Sharma, and he has not received any money. Notice of motion for 20.12.2018.”

Thereafter the interim pre-arrest bail granted to Kulwinder Singh was confirmed on 11.3.2019, with the court observing that the petitioner (in that case) had joined investigation and the allegations in the FIR were that he and his co-accused, K.K.Sharma, only introduced the complainant to the owner of the property.

Learned counsel for the petitioner submits that therefore the petitioner is entitled to anticipatory bail on parity with his co-accused,

with the petitioner also being only a property dealer.

However, upon query to learned State counsel, he submits that as per his instructions the petitioner is known by 3 names, i.e. Karan Singh, K.K.Sharma and Karam Singh, and that there are three other FIRs registered against him alleging therein the commission of similar offences and one FIR also registered alleging therein the commission of an offence punishable under Section 376 of the I.P.C.

Learned counsel for the petitioner however submits that as regards the offence punishable under Section 376 of the I.P.C., the petitioner has been acquitted and as regards the other three FIRs, he would seek instructions.

Whereas I otherwise see absolutely no reason to continue with this petition at all in view of what has been submitted by learned State counsel, seen with the allegations in the FIR, however simply to enable learned State counsel to obtain instructions with regard to the antecedents of the co-accused, Kulwinder Singh, who has been admitted to bail, adjourned to 14.8.2020.

It is still, however, to be observed by this court that even if the aforesaid Kulwinder Singh has similar antecedents to that of the petitioner, with such antecedents obviously not brought to the notice of this court in the petition filed by him, as would seem obvious from the two orders referred to hereinabove passed in his case, I would therefore see no parity in the two cases, but yet, since learned counsel for the petitioner is insisting that the petitioner is entitled to anticipatory bail on par with Kulwinder Singh, learned State counsel would inform this court of that mans' antecedents.

Of course, learned counsel for the petitioner may also confirm with regard to the other criminal cases registered against the petitioner.

It is made clear that presently there is no interim order operating in favour of the petitioner.”

Today, learned State counsel submits that as per his instructions, there are 4 other criminal cases registered against Kulwinder Singh, three of a similar nature to the present one and one under the provisions of the NDPS Act, 1985.

Learned counsel for the petitioner therefore reiterates that Kulwinder Singh having been admitted to bail by this court, the petitioner deserves the same concession, on parity.

He further submits that two other persons have been admitted to regular bail and with the *challan* already having been presented to the competent court (against persons other than the petitioner), there would be no need for his custodial interrogation.

On further query as to why the petitioner is known by three names, he states that upon the petitioner having joined a particular political party, he was renamed as Karan Singh, whereas his actual name is K.K. Sharma.

As regards that contention, I see no logic or reasoning whatsoever, that a person upon joining a particular political party would be renamed; but even if that is so, what needs to be looked at is the allegation in the FIR as regards the petitioner, to the effect that the petitioner (as K.K. Sharma) and one Kali Badwal (stated by both the counsel to be actually Kulwinder Singh), duped the complainant of Rs.60 lacs on the promise of sale of land belonging to Balwinder Kaur and Davinder Singh, but with Davinder Singh actually being impersonated by one Gurpreet Singh Dhanoa and with Balwinder Kaur also having been impersonated by a different person altogether.

Learned State counsel further submits that though one Mahender Kaur and the aforesaid Gurpreet Singh alias Davinder Singh were arrested, however Balwinder Kaur in whose account Rs.13 lacs were

transferred by the complainant, is not traceable and that it has been found out that in fact the photograph on the bank account of Balwinder Kaur is not actually that of the actual owner of the land in question.

He further submits that as per the disclosure statement of the co-accused who were arrested, the petitioner had withdrawn the money from the account of aforesaid Balwinder Kaur and that he alone knows of the whereabouts of the person who impersonated as Balwinder Kaur.

He again reiterates that there are 4 other cases of similar nature registered against the present petitioner and therefore he does not deserve the concession of anticipatory bail.

Having considered the matter, as already noticed in the previous order of this court, dated 07.08.2020, the entire facts not having been brought to the notice of this court (coordinate Bench) at the time that Kulwinder Singh was admitted to anticipatory bail and it having been consequently accepted that the said Kulwinder Singh was only a property dealer who facilitated the agreement between two parties, such bail was granted (as reflected in the order annexed with this petition). However, with this court now having been informed of the entire background as above, including the antecedents of the petitioner, then in my opinion, even though similar antecedents are also there in the case of Kulwinder Singh, which again are not seen to have been brought to the notice of the coordinate Bench, the present petitioner does not deserve the concession of anticipatory bail.

Consequently, this petition is dismissed.

However, nothing stated herein above or in the previous orders passed, shall be taken to be an observation on the actual merits of the case on either side, all such comments having been made only in the context of a petition filed under the provisions of Section 438 of the Cr.P.C., seeking the concession of prê-arrest bail.

14.08.2020
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No