

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-29718-2019

Date of Decision: 28.02.2020

Avtar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. GS Madaan, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Amit Dhawan, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Through this second petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioner in FIR No. 31 dated 16.03.2019 under Sections 420, 465, 467, 468, 471 and 120-B IPC at Police Station Navi Baradari, Jalandhar, Punjab.

According to the prosecution, petitioner is member of a gang, who by preparing forged and false documents/papers, title deeds and revenue records etc. of the properties of 'Non-Resident Indians' (NRI), taking advantage of their absence, fraudulently sells the same to innocent people. In this manner, the petitioner and his accomplice cheated and defrauded the complainant for ₹50,50,000/- by executing and registration of forged sale deed in his favour through co-accused-Jaspal Singh, who is none else, but real brother of the petitioner.

Learned counsel for the petitioner *inter alia* contends that after registration of FIR, compromise has arrived at in between the petitioner and complainant. Pursuant thereto, the petitioner has repaid the entire alleged compromised amount to the complainant and, thus, he was not required for custodial interrogation.

On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently refuting the submissions of learned counsel for the petitioner submits that only ₹1,00,000/- was paid pursuant to the alleged compromise. Thus, petitioner cannot be permitted to take defence of alleged compromise.

Considering overall circumstance of the case and the fact that there is alarming increase in such type of crimes in the State of Punjab, petitioner does not deserve the concession of anticipatory bail, inasmuch as, his custodial interrogation is required to un-earth their *modus operandi* and recovery of money, besides forged documents prepared by them.

Dismissed.

February 28, 2020
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No