

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

CRM-M-33099 of 2020(O&M)

Date of Decision: 26.10.2020

Mahinder Singh @ Billu

Petitioner

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. G.S.Ghuman, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This is the petitioner's second application seeking anticipatory bail in FIR No.97 dated 18.10.2019, under Sections 406, 409, 420, 465, 467, 468, 471, 120-B IPC, Police Station Khamano, District Fatehgarh Sahib.

Petitioner's first bail application seeking anticipatory bail in the abovesaid FIR, was dismissed as withdrawn on 13.01.2020 (Annexure P-3).

As per the allegations in the FIR, the complainant-Sumitra Devi's 04K-11M of land, was acquired vide award dated 23.06.2015. It is alleged that the petitioner, who was working as an aide (personal servant) to Jaswinder Pal Singh, Patwari (co-accused), assured the complainant that he would help her in getting the compensation amount. Petitioner introduced the complainant to the dealing hand and co-accused-Inderjit Singh, Clerk. It is further alleged that the petitioner took a copy of the complainant's bank account passbook. Signatures of the complainant were obtained by the dealing clerk, who it is stated did not disclose the amount payable to her. However, it was assured that compensation

amount would be released to her within a day or two. The petitioner, thereafter, transferred a sum of Rs. 27 lakhs from his own bank account to the complainant, in two installments of Rs.10 lakhs each and another of Rs. 7 lakhs from his own account through the RTGS system. The petitioner informed the complainant that another amount of Rs.85 lakhs is also payable to her. The complainant, in the FIR, has elaborated upon the actions of the petitioner along with other co-accused, which raised suspicion in her mind. Enquiries were made by the complainant's son on 31.07.2019 and it came light that compensation amount of Rs. 89 lakhs, due towards the complainant, already stood deposited on 21.09.2019 in an account with the Bank of Maharashtra, Branch, Sirhind. The complainant was told that the deposit was made in this Bank account as per the affidavit submitted by her. It is further stated that the complainant, in fact, has no such account in the said bank at Sirhind and neither had she ever submitted such an affidavit. The said bank account with the Bank of Maharashtra, Branch Sirhind, is of the present petitioner.

Learned counsel for the petitioner vehemently argues that the petitioner was a mere driver working with the co-accused, Jaswinder Pal Singh, Patwari. The said account was opened on the asking of Jaswinder Pal, Singh Patwari, when the petitioner joined his service. It is submitted that Jaswinder Pal Singh, Patwari, took the petitioner's signatures on blank cheques, retained their custody and misused the same. It is further argued that it is highly improbable that in respect to an award passed in the year 2015, the present petitioner would have introduced the complainant to the co-accused-Inderjit Singh in the year 2018. Bail application i.e., CRM-M-13395 of 2020, filed by Inderjit Singh, it is submitted, was dismissed by this Court on 03.06.2020 (Annexure P-4). However,

he has been granted interim relief by the Hon'ble Supreme Court and the matter is stated to be still pending. Petitioner claims parity with the co-accused-Inderjit Singh.

It is further argued by learned counsel for the petitioner that in fact land acquired of the petitioner is only 01K-07M and not 04K-10M, as mentioned in the award and thus she is, in any case not entitled to more than Rs.27 lakhs. It is thus prayed that the present, this second application of the petitioner for grant of anticipatory bail be allowed.

Having heard learned counsel for the petitioner at length, I do not find any merit in the arguments raised by him.

Serious allegations as narrated in the foregoing paras, have been raised in the FIR. Admittedly, the entire amount of compensation i.e., Rs.89, 30,390/- was directly deposited in the account of the petitioner. It is only an amount of Rs. 27 lakhs, which has further been transferred by the petitioner to the complainant. Argument that the complainant was entitled to only Rs.27 lakhs out of the said amount because only 01K-07-M of the complainant's land, was actually acquired and not 04K-10M as per the award, is indeed fallacious and is noticed only to be rejected. In the given facts, the petitioner cannot claim parity with co-accused Inderjit Singh in any manner, at this stage. It is brought to my notice that Jaswinder Pal Singh, Patwari, is still at large.

Keeping in view the facts and circumstances as above, I do not find any ground whatsoever to afford the discretionary relief of anticipatory bail to the petitioner, in this case.

Petition is accordingly dismissed.

It is clarified that none of the observations made hereinabove shall

be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

26.10.2020
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned	:	Yes/No.
Whether reportable	:	Yes/No.