

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-7378-2021 (O&M)

Date of decision: 22.11.2021

Sanjeev Kumar Mehta

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B. K. Saini, Advocate
for the petitioner.

Mr. J. P. Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is second petition for grant of anticipatory bail to the petitioner in FIR No.127 dated 13.09.2011 under Sections 420 & 120-B IPC, registered at Police Station City Kharar, District SAS Nagar, Mohali.

Learned counsel for the petitioner submits that the first application was dismissed on 18.11.2011, thereafter, the investigation was carried out and in view of the change circumstances, he has filed present petition. He further submits that as per the allegations levelled in the FIR registered at the instance of Jasjit Singh against four persons namely Sanjeev Kumar Mehta (petitioner), Karamjit Singh, Gurbinder Singh and Sanjiv Kumar Saini. It is stated that the petitioner has introduced Jasjit Singh-complainant with co-accused Gurphinder Singh regarding sale of some land. Karamjit Singh said that he had

offered to purchase the land and thereafter, an agreement was executed and Gurbinder Singh received an amount of Rs. 8,63,000/- on 21.04.2008 and later on, he received another amount of Rs. 22 lacs on 21.04.2008 and then Rs. 11,40,000/- on 10.05.2008 in presence of the other co-accused including the petitioner.

Learned counsel for the petitioner submits that the only allegations against the petitioner is that that he has introduced co-accused with the complainant and secondly he has signed the agreement to sell as an attesting witness.

Learned counsel for the petitioner submits that the petitioner is not a beneficiary of agreement to sell in any manner and it is not the case of the prosecution that the petitioner has identified any wrong person or any impersonator as the primary allegations in the FIR are that the co-accused who has received the money was not the owner of the property .

The counsel has referred to the cross examination of PW 1 Jasjit Singh-complainant who has stated on oath on 11.10.2019 that the agreement was executed between him and Gurbinder Singh and before executing the agreement to sell he has verified the revenue record showing Gurbinder Singh as the owner. He further stated that the whole amount was received by Gurbinder Singh.

The Counsel submits that during enquiry one Karamjit Singh was found to be innocent and one civil suit is pending between complainant and Gurbinder Singh regarding agreement to sell.

Learned counsel for the petitioner submits that police never arrested

the petitioner as he was not found directly involved in the case and now after ten years the police in order to complete the investigation has again summoned the petitioner.

Per contra, learned State counsel submits that the first application of the petitioner was dismissed on 18.10.2011 and thereafter, the petitioner was not arrested as the same enquiry was pending in which one Karamjit Singh was found to be innocent.

Learned State counsel, on instructions, has not disputed the factual position and states that as per the deposition of Jasjit Singh as PW 1 he has made the entire payment to co-accused Gurbinder Singh and nothing was paid to the petitioner, therefore, petitioner is no more required for any further investigation.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, I deem it appropriate to grant the concession of anticipatory bail to the petitioner as at no point of time he was declared a proclaimed offender. Accordingly, this petition is allowed and the petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

[ARVIND SINGH SANGWAN]
JUDGE

22.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No