

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

1. CRM-M-25914-2020

Lal Bahadur and othersPetitioners

Versus

State of Punjab and anotherRespondents

2. CRM-M-38670-2020

Maninderpal SinghPetitioner

Versus

State of Punjab and anotherRespondents

Date of decision: - 21.09.2021

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Sourabh Arora, Advocate,
for the petitioners in CRM-M-25914-2020.

Mr. Rajinder Sharma, Advocate
for the petitioner in CRM-M-38670-2020.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

By the present order, two petitions, details of which have
been given in the heading, are being decided as the prayer in both the

petitions is for the grant of anticipatory bail in respect of same FIR, relating to the same incident.

Present petitions have been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.172 dated 09.07.2020, registered under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC, at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioners argues that the petitioners have been wrongly implicated in the present case and as they are ready to join and cooperate in the investigation, therefore, they be granted the benefit of anticipatory bail.

Learned State counsel, on the other hand, submits that the allegations against the petitioners are very serious as they got the property belonging to their mother transferred to their name to the exclusion of others including the complainant by impersonating someone as their mother after the death of their mother and sold the said property to their another relative. Learned State counsel submits that the custodial interrogation of the petitioners is necessary to find out the truth behind the allegation that the money has been received by the petitioners after selling the property in question, which was got registered in their names by impersonation.

Learned counsel appearing on behalf of the complainant submits that the conduct of the petitioners is such that on the first date of hearing of their petitions filed for anticipatory bail, they submitted that the parties are closely related to each other and they are ready to

compensate the complainant for her share, but despite the fact that number of hearings have taken place before the Mediation Centre, petitioners have failed to compensate the complainant and are not ready to give the share of the complainant and in fact they are only buying time as they have already got an interim order in their favour so that they are not arrested.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The allegations alleged against the petitioners are very serious as they have misappropriated the property belonging to their mother, for which, the complainant was also a sharer and got it transferred in their names by impersonating somebody as their mother, who was the owner of the said property. Not only this, even the conduct of the petitioners after the filing of the present petitions is such that they have misled this Court in believing that they are ready to settle the dispute with the complainant, who is their real sister, but actual fact is that after petitioners got an interim order in these petitions, they are not cooperating in the mediation proceedings, which proceedings were initiated at their request only. *Prima facie*, petitioners have no intention to compromise the dispute and said prayer was only a ploy to get an interim order from this Court.

Keeping in view the facts and circumstances of present case, as Investigating Agency is yet to unearth the truth of misappropriation and embezzlement of the property by the petitioners as well as the trail of

the money received by the petitioners after selling the said property, no ground is made out to grant the petitioners the benefit of anticipatory bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

September 21, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No