

CRM-M-43945-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43945-2021
Reserved on: 15.11.2021
Pronounced on :01.12.2021

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.B.S. Baidwan, Advocate
For the petitioner.

Ms. Jasleen Kaur Sidhu, Assistant AG, Punjab.

Mr. Chanchal K. Singla, Advocate
For the complainant.

THROUGH VIDEO CONFERENCING

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
310	28.08.2021	Sohana, District SAS Nagar, Mohali (Punjab)	420 & 120-B of Indian Penal Code

The petitioner, apprehending arrest in the FIR captioned above, came up before this Court under Section 438 Cr.P.C., seeking anticipatory bail.

2. In Para 14 of the bail application, the petitioner declares having no criminal history. Ld. Counsel for the bail petitioner states on instructions that the petitioner has no criminal past relating to the offences prescribing sentence of seven years and more, or when on conviction, the sentence imposed was more than three years. The status report also does not mention any criminal past of the accused.

3. Briefly, the allegations against the petitioner are that on 01.04.2021, one Ranjodh Singh made a complaint against Gurpreet Singh (present petitioner) and Sarabjeet Kaur for cheating and frauding him to the tune of Rs.35 lacs. It was alleged that the accused took money under the pretext of sale of residential property while concealing the material fact that the property was mortgaged with the bank. Further, after receiving the sale consideration he even cancelled GPA.

On this complaint, SSP, SAS Nagar, Mohali ordered a preliminary inquiry to be

conducted by DSP (Special Branch and Criminal Intelligence) Mohali. In inquiry it was revealed that there was a bank transfer and subsequently, based on such inquiry, the above captioned FIR was registered. In the investigation, it has also come to the light that Sarabjit Kaur was impersonating as sister of Gurpreet Singh and she was also a signatory to the agreement to sell.

4. Ld. Counsel for the petitioner argued that prima facie the matter is civil in nature and the complainant is a property dealer and has an evil eye on the property in question. He further contends that the custodial investigation would serve no purpose whatsoever and incarceration before the proof of guilt would cause grave injustice to the petitioners and family.

5. Learned State counsel has opposed the bail on the ground that the recovery is yet to be effected. While opposing the bail, the alternative contention on behalf of the State is that if this Court is inclined to grant bail, such a bond must be subject to very stringent conditions.

6. Learned counsel for the complainant has also opposed the bail on various grounds and has filed synopsis in this regard. Counsel for the complainant has also referred to the agreement to sell and the subsequent financial transactions. It has been specifically stated by the complainant that the petitioner purchased the stamp papers which were duly registered bearing his photographs.

7. As per para 3(vii) of the status report, although the petitioner joined investigation but there are two other FIRs of almost similar nature pending against him. Apart from that one another complaint under PNDT Act is pending against the petitioner.

8. The allegations made in the complaint are although serious but the parties are also in civil dispute with each other. In view of the entirety of facts and circumstances of this case, this Court is inclined to grant bail to the petitioner, subject to the condition that the petitioner shall furnish details of his all bank accounts, Fixed Deposits and DEMAT accounts to the Investigator, within two weeks from today. In case, the petitioner fails to do so, it shall be open for the complainant to file an application for cancellation of this bail. This condition is being stipulated to find the entire money transaction.

9. Given the nature of allegations, no pre-trial incarceration is required. Without commenting on the case's merits and the circumstances peculiar to this case, the petitioner makes a case for release on bail, subject to the following terms and conditions, which shall be over and above and irrespective of the contents of the form of bail bonds in chapter XXXIII of Cr.P.C., 1973.

10. In addition to the above conditions, the petitioner shall be released on bail in the FIR mentioned above, subject to furnishing a personal bond of Rs. Ten

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thousand (INR 10,000/-), and with one surety of Rs. Twenty-five thousand (INR 25,000/-), to the satisfaction of the Investigator. Before accepting the surety, the Attesting Officer must satisfy that in case the accused fails to appear in Court, then such sureties are capable to produce the accused before the Court, keeping in mind the Jurisprudence behind the sureties, which is to secure the presence of the accused.

11. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer; and shall cooperate with the investigation at all further stages as may be required. In the event of failure to do so, it will be open for the prosecution to seek cancellation of the bail. Whenever the investigation occurs within the police premises, the petitioners shall not be called before 8 AM and shall be let off before 5 PM, and shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. Given the gravity of accusations and the heinous nature of the offence, the petitioner shall surrender all weapons, firearms, ammunition, if any, along with the arms license to the concerned authority within 30 days from today and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case.

13. Any Advocate for the petitioners and the Officer in whose presence the petitioners put signatures on personal bonds shall explain all conditions of this bail order, in vernacular and if not feasible, in Hindi.

14. *There would be no need for a certified copy of this order for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. In case the attesting officer wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

Petition allowed.

(ANOOP CHITKARA)
JUDGE

01.12. 2021
anju rani

Whether speaking/reasoned
Whether reportable

~~Yes/No~~
~~Yes/No~~