

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

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Date of decision: 28.07.2022

1. CRM-M-3252-2022

HARVINDER SINGHPetitioner

Versus

STATE OF PUNJABRespondent

2. CRM-M-4199-2022

PARAMJIT KAURPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. H.S.Randhawa, Advocate
for the petitioner(s) in both the cases.

Mr. M.S.Nagra, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Since both the bail petitions arise from a common FIR bearing No.261 dated 07.12.2021 registered at Police Station Mataur, District SAS Nagar, constituting therein offences embodied under Sections 406, 420, 465, 467, 468, 471, 120-B of the IPC, thereupon, both the petitions are amenable for a common verdict being made thereons.

2. The present bail petitioners are alleged to, on the false pretext, of ensuring an allotment of property at GMADA, hence dupe

the complainant for a sum of Rs.26,50,000/-. The above amount is alleged in the petition FIR to be handed over in cash, rather on various dates, to the petitioners, by the victim complainant.

3. As above stated, since the above handings over in cash by the victim complainant, to the present bail petitioners, is a huge sum of Rs. 26,50,000/- and, also, when in respect of the handings over, the above huge sums of money in cash, by the victim, to the bail petitioners, no scribed receipts is either placed on record, nor is unfolded in the petition FIR, to be issued by the present bail petitioners, to the aggrieved victim complainant. Therefore, prima facie, in the absence of signed receipts being given by the present bail petitioners to the victim-complainant, in respect of the above huge sums of money, as, became allegedly handed over by the victim, to the present bail petitioners, in respect of a purported false pretext of theirs ensuring, that they shall ensure allotment of property/house, at GMADA, to the victim, does not prima facie, at this stage assume any credibility.

4. In consequence, at this stage, it is not deemed fit, and, appropriate to, as a pre requisite for this court, proceeding to admit the present bail petitioners, to pre arrest bail, hence make any insistence upon them, to deposit a reasonable percentum of the duped amount, in the establishment of the learned trial Judge concerned, and, thereafter, its ordering qua its disbursement becoming regulated, by the learned trial Magistrate concerned, upon his entering into trial.

5. Any request in the above regard, can yet be made by the prosecution, or, the victim complainant, but only when sufficient proof

in respect of the above handing over in cash of a sum of Rs.26,50,000/- becomes adduced before this court.

6. The above endeavour supported by the above credible documentary evidence, qua the above can be agitated, through a petition asking for modification of the order made today by this court, inasmuch as, the above condition precedent being then insisted to be cast, upon the present bail petitioners.

7. Furthermore, the present bail petitioners are alleged to issue a forged allotment letter, revealing therein qua allotment fees of Rs.52,600/-, becoming deposited before the signatory of the purportedly forged allotment letter.

8. In the above regard, as a condition precedent for this court admitting the present bail petitioners, to pre arrest bail, this court orders, that both the bail petitioners shall on a date convenient, to all concerned, inclusive of the investigating officer concerned, shall within a week, visit the office of the Executive Magistrate concerned, and, therefore, they shall supply their admitted standard writings, and, also specimen writings almost similar to the writings of the author of the purportedly forged allotment letter, and, thereafter, the investigating officer concerned, shall send all concerned, hence admitted standard writings/specimen writings, along with the disputed writings/signatures, as exist on the purportedly forged allotment receipt, to the handwriting expert concerned, who shall thereafter, make comparisons thereafter, and, also make an opinion, whether the disputed signatures are authored, or, not authored by the present bail petitioners.

9. In sequel, this court hence becomes constrained to admit the present bail petitioners on anticipatory bail.
10. Moreover, also, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioners being enlarged on anticipatory bail, there is every likelihood of theirs fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioners.
11. In aftermath, the present petitions are allowed, and, the bail applicant-petitioners are admitted to anticipatory bail, but with the above condition precedent, and, in the event of their arrest, they may not be arrested by the investigating officer concerned, but subject to the bail applicant-petitioners furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioners shall also give an undertaking before the arresting officer, that as and when they are summoned through a written Hukamnama, they shall ensure their rendering theirs cooperation to the investigating officer. Moreover, they shall also give an undertaking that they shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence.
12. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

28.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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