

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

103

CRM-M-5571-2022

Date of Decision: 14.02.2022

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Amit Arora, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.59 dated 27.06.2021 under Sections 420/120-B IPC at Police Station Cantt Ferozepur, District Ferozepur.
2. The FIR was lodged at the instance of Amarpal Singh, wherein it is alleged that Gurwinder Singh and Sukhwinder Singh had developed a colony at village Satiyewala near Ferozepur. It is alleged that on 20.06.2016, Gurwinder Singh entered into an agreement for sale of a plot measuring 8 marlas to the complainant in the said colony. It is further alleged that on 24.01.2017, Gurwinder Singh through his partner Sukhwinder Singh executed a sale deed in favour of complainant's wife namely Ms. Nirmal Kaur. However, on 24.11.2020 when the complainant went to the

office of halqa patwari for the purpose of getting mutation sanctioned in respect of the plot sold to his wife by Gurwinder Singh, he was informed by the patwari that as per record there is no land in the name of Gurwinder Singh or Sukhwinder Singh and consequently, mutation could not be sanctioned.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in any case the matter, at best, can be said to be of civil nature for compensating the complainant for any loss that he may have suffered and for recovery of amount given by complainant. Learned counsel submits that it is, in fact, a case where Jasbir Kaur had initially entered into an agreement with the petitioner and co-accused Gurwinder Singh for sale of a property and in the said agreement, there was specific recital that both the said persons i.e. the petitioner and Gurwinder Singh could get the sale deed executed in the name of anybody else as well and that it was on the force of the said agreement that the sale deed came to be executed.
4. On the other hand, learned State counsel has submitted that it is a case where both the accused i.e. the petitioner and his brother entered into a conspiracy for defrauding the complainant and executed a sale deed in his favour though they themselves had never acquired any right in the property in question inasmuch as Jasbir Kaur, original owner of the property, had never executed any sale deed in their favour and it was merely an agreement for sale of a property and that such like agreement would not have

vested any ownership rights in favour of the petitioner and Gurwinder Singh. It has been submitted that in fact the accused are into illegal colonization and had cheated the complainant by executing a sale deed in which they themselves never had any right. Learned State counsel has submitted that in fact the present incident has revealed a larger conspiracy, wherein Revenue officials are also involved against whom also action is being taken.

5. I have considered rival submissions addressed before this Court.
6. The facts of the case clearly depict that the petitioner as well as co-accused Gurwinder Singh, who are both brothers, were together into the property dealing. The petitioner cannot feign ignorance that he or his brother were not owners of the property in question, as it was only an agreement in their favour which had been executed by Jasbir Kaur. Despite the said factual position, the petitioner by executing a sale deed in favour of the complainant had apparently cheated him as they were themselves not the owners of the property in question. In these circumstances, no special case for grant of anticipatory bail is made out.
7. The petition is sans merit and is hereby dismissed.

14.02.2022

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**(GURVINDER SINGH GILL)
JUDGE**

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