

CRM-M-9473-2022

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

CRM-M-9473-2022

Date of decision: 07.03.2022

Gurmeet Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.S.Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J.

Through this second petition (the first one having been dismissed, vide order dated 07.02.2022 passed by this Court), the petitioner prays for the grant of anticipatory bail in case bearing FIR No.615 dated 23.12.2021 registered at Police Station Zirakpur, District SAS Nagar, under Sections 420, 406, 465, 467, 468, 471, 120-B IPC and Section 82 of Indian Registration Act, 1908.

Learned Senior Counsel for the petitioner contends that the petitioner being an employee of M/s Sai Associate, had executed the sale deeds in favour of M/s Vinmehta Films Pvt. Ltd., on the asking of Satish Gupta, Director of M/s Sai Associates and Vishal Garg and Deepika Garg. He further contends that the petitioner is neither beneficiary of the alleged sale deed nor an actual seller or purchaser thereof. The petitioner had acted in a good faith, being an obedient employee of the Company. All the sale deeds were got executed from the petitioner by Satish Gupta, Vishal Garg

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and Deepika Garg, in connivance with each other. The petition for quashing of FIR, was filed on behalf of the petitioner by the complainant by using the blank papers got signed by him from the petitioner and by pleading the facts, which are beneficial and in his (complainant) interest. The similar was the situation while filing the first petition under Section 438 Cr.P.C.

I have heard the learned counsel for the parties.

Vide order dated 07.02.2022, the first petition i.e. CRM-M-4703-2022 filed by the petitioner, seeking anticipatory bail, was dismissed on merit. A relevant extract thereof would read as under:

“It may be noticed that the petitioner has not denied him having executed the sale deeds on behalf of M/s Sai Associates. The only defence taken by the petitioner is that he had acted as an obedient employee of the said Company. However, there cannot be no escape from the legal provisions, which required that the petitioner ought to have been in possession of a Resolution/Authority letter to execute the said sale deeds. Merely because, the petitioner has allegedly acted at the verbal instructions of the aforesaid persons, is no ground to grant the concession of anticipatory bail to the petitioner. The custodial interrogation of the petitioner is a must to unearth the racket of illegal sale/purchase of the land by the accused persons.

In view of the above, the present petition is dismissed.”

All the contentions raised by the learned Senior Counsel for the petitioner now in this second petition, stand already dealt with by this Court, while dismissing the earlier petition of the petitioner. The petitioner has not denied having executed the sale deeds. The assertions of the petitioner that the complainant had obtained blank signed papers from him and got filed a quashing petition, is no ground to mitigate the role attributed to the petitioner.

As far as the filing of the second petition for anticipatory bail

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is concerned, a successive petition without there being any change of circumstance, merits rejection. Reference may be made to an order dated 28.01.2021 passed by the Hon'ble Supreme Court in Criminal Appeal arising out of SLP (Crl.) No.213 of 2021, titled as 'G.R.Ananda Babu Vs. The State of Tamil Nadu and Another.', wherein it has been held as under:-

“As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No.2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge”.

In view of the above, finding no merit in the petition, same is hereby dismissed

07.03.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No