

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13155-2022

Date of decision: April 02, 2022

Dilbag Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Yajur Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. J.S. Thind, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.197 dated 28.7.2021 under Sections 420, 120-B, 506 IPC, registered at Police Station Maqboolpura, District Amritsar.

Counsel for the petitioner submits that as per the allegations in the FIR registered at the instance of Paramjit Singh, it is stated that co-accused Gurwinder Singh and Daljit Kaur have committed a fraud of Rs.50,000/-. It is stated that Gurwinder Singh had entered into an agreement to sell of his entire land measuring 54 Kanals Marlas with the complainant as per the agreement dated 18.3.2020 and Rs.50,00,000/- as earnest money was deposited in the IDBI Bank in the account of Gurwinder Singh. Daljit Kaur has knowledge about the agreement to sell as she was a witness to the same but she being the mother of Gurwinder Singh has got transferred the land in her name to defeat the right of the complainant. After registration of the FIR and during enquiry, it was found that Gurwinder Singh and his mother Daljit Kaur after taking the

amount of Rs.50,00,000/- as earnest money and to execute the sale deed of 4 acres of land on 5.5.2020 but they obtained KCC loan of Rs.40,00,000/- from the bank by showing the deposit of Rs.50,00,000/-. Later on, when they became dishonest, the petitioner, who is the real brother of Daljit Kaur and has actively participated in the deal undertook that if Gurwinder Singh and Daljit Kaur failed to repay the amount back, he will return the amount to the complainant in two installments.

Counsel for the petitioner further submits that Daljit Kaur has been granted the concession of anticipatory bail as it was noticed in the order that the land was transferred in her name by Gurwinder Singh in dishonest intention and she will appear before the Civil Court at Ajnala, as per her affidavit attached with the said petition and will make a statement that she has no objection if the land is reverted/transferred back to Gurwinder Singh.

Counsel for the petitioner has submitted that Daljit Kaur has already made a statement before the Civil Court where a suit for permanent injunction filed by Gurwinder Singh is pending against Paramjit Singh praying for a decree of injunction from interfering in the possession of the suit property, which is subject matter of the present FIR as well as in the second suit filed by Paramjit Singh praying for a decree of possession by way of specific performance of the agreement to sale on 18.3.2020

Counsel for the petitioner also submits that since the petitioner is involved only because he is brother of Daljit Kaur may be granted the concession of anticipatory bail.

Learned State counsel, assisted by the counsel for the complainant submitted that during the investigation it has come that the petitioner was actively involved in the entire deal and the FIR was registered after obtaining the opinion of Deputy District Attorney (Legal). It is argued that Daljit Kaur was also an attesting witness to the agreement to sell though she stated that her signatures were forged by Gurwinder Singh. However, it is not disputed by Daljit Kaur and appeared before the Civil Court and made a statement that she

has no objection if the land which is transferred in her name be reverted back to her son and co-accused Gurwinder Singh.

The learned State counsel has further submitted that Gurwinder Singh is still at large and yet to be arrested.

Counsel for the complainant has submitted that the intention to cheat the complainant/victim by Gurwinder Singh, Daljit Kaur and petitioner, apparent has firstly the accused in conspiracy with each other has induced the complainant to part away Rs.50,00,000/- as earnest money and when the amount was paid to Gurwinder Singh in his account through Bank transaction, he transferred the part of the land in favour of her mother Dalit Kaur. Now she has made a statement that she was not having the knowledge being a less educated woman and she has already made a statement that the transfer should be set aside and the land be reverted back to Gurwinder Singh.

It is also submitted that the fact that Gurwinder Singh has filed suit for permanent injunction for restraining to take possession of the property which show his intention not to execute the sale deed and despite the fact that Daljit Kaur has made statement in the suit for specific performance, again Gurwinder Singh is not coming forward to execute the sale deed which reflects that all the accused in conspiracy with each other firstly allured the complainant to part away a huge amount of Rs.50,00,000/- as earnest money and then instead of transferring the land in favour of the victim, firstly they raised a loan by way of KCC limit and then transferred part of the land in favour of Daljit Kaur, one of the accused.

After hearing learned counsel for the parties and in view of the serious allegations against the petitioner, I find no ground to grant anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

April 02, 2022
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO