

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

CRM-M-17429-2022 (O&M)
Date of Decision:- 12.12.2022

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Karan Bhardwaj, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Balwinder Singh.

Mr. Navneet Jindal, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered against him vide FIR No. 0003 dated 8.2.2022 under Sections 380, 454, 448, 120-B IPC at Police Station NRI, SAS Nagar District SAS Nagar.
2. The FIR was lodged at the instance of Upkar Kaur, niece of the petitioner wherein she stated that she is residing in Maryland (USA) since the year 2012; that in the year 2009, she had purchased a residential house situated in village Sahorhan, Tehsil Kharar, District Mohali from petitioner's father Baldev Singh and the petitioner Sukhwinder Singh for an amount of ₹2.5 lacs and the payment for the same had been made through bank cheques; that since she was residing abroad, it is her parents who had been taking care of the said house; that on 26.4.2021, she came to know from her parents and from others that Sukhwinder Singh (petitioner) had started making alterations in the house without her consent; that Sukhwinder Singh had also

tried to get an electricity and water connection installed in his name in the said house and had been extracting soil from the said house and was trying to demolish the house so as to build shops therein.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the house in question is the ancestral house of the family and that it is the petitioner who has been in possession of the said house and that electricity connection is installed in his name in the said premises and his voter card and ration card also bears the same address. It has been submitted that as a matter of fact, the petitioner had received the said house in question from his father pursuant to family settlement effected in the year 2008. The learned counsel has referred to agreement dated 14.5.2009 and 7.8.2009 in favour of Upkar Kaur to contend that the factum of ownership of Sukhwinder Singh is admitted and which would rather demolish the case of the complainant as Baldev Singh cannot be said to be owner of the property from whom the complainant had allegedly purchased the same. The learned counsel has further submitted that as a matter of fact the payments made by the complainant to the petitioner were towards the taxi fare as the complainant had been using the taxi of the petitioner for going frequently to Gurugram where she had been working.
4. On the other hand, the learned State counsel, assisted by counsel for the complainant, has opposed the petition and has submitted that the petitioner is trying to take advantage of the fact that the complainant is residing abroad and is unable to take care of her property effectively. It has further been submitted that the petitioner is not denying having received the payment in respect of the house in question from the complainant and that the

explanation put forth by him that the said payment was towards taxi fare is unacceptable.

5. This Court has considered the rival submissions.
6. The petitioner, admittedly, is resident of the same village where the house in dispute is situated. The ration card as well as the voter card indeed reflect that the petitioner is resident of the same village but having regard to the fact that there is no identification or property number mentioned therein, it certainly cannot be accepted that the petitioner is owner of the house in question or is residing therein. During the course of investigation, the police has verified the fact that the complainant had indeed issued cheques in favour of the petitioner which had been duly received by him i.e. cheque No. 090460 dated 2.5.2009 of Citi Bank Branch of ₹1 lac, cheque No.090461 dated 7.8.2009 of Citi Bank Branch of ₹50,000/- and cheque No.148326 dated 7.8.2009 of Oriental Bank of Commerce of ₹1 lac. It needs to be mentioned here that the aforesaid three cheques are the ones whose particulars are mentioned in agreement dated 7.8.2009 (Annexure P-8). The contention of the petitioner that the complainant had been using his taxi for a long time and that the said payment had been made towards payment of taxi fare cannot be accepted inasmuch as there is no other evidence to support the said contention. An amount of ₹2.5 lacs is a huge amount to be believed to be taxi fare. The petitioner is not having a big transport company so as to believe that he would not have claimed payment of dues of taxi fare for such a long period. Further, the payment is in a round figure which cannot cast a doubt regarding the same, being a taxi fare. As such,

this Court is unable to accept the contentions raised before this Court. There is no case for grant of anticipatory bail.

7. The petition is sans merit and is hereby dismissed.

12.12.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No