

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

204

**CRM-M-23410 of 2021 (O&M)
Date of Decision:07.02.2022**

Amritpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. C.M. Munjal, Advocate, for
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

On September 06, 2021 the following order had been passed by this court, reproducing therein also the order dated 18.06.2021, by which the petitioner had been ordered to be admitted to interim bail upon joining investigation if he was sought to be arrested:-

“Case heard via video conferencing.

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.104, dated 29.05.2021, having been registered at Police Station Phase-I SAS Nagar, Mohali, alleging therein the commission of offences punishable under Sections 420 and 120-B of the IPC.

On 18.06.2021 the following order had been passed by this court:-

“Inter-alia contends that alleged agreement in question was executed way-back on 16.02.2012 (P-1); whereas the present FIR has been registered after a period of 9 years i.e. 29.05.2021.

Notice of motion for 06.09.2021.

In the meanwhile, petitioner will join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

Today at the outset, Mr. Munjal submits that the petitioner did not join investigation because the DSP concerned had actually stated that his bail petition has been allowed and he was unaware that he was required to join investigation.

Though that is very difficult to believe, however in view of what has been noticed in the order dated 18.06.2021, the petitioner is given one more opportunity to join investigation which he will do within one week; and upon him so joining, in case he is sought to be arrested, he shall be released on interim bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaka Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Adjourned to 17.09.2021.

It is made clear that if, despite this order, the petitioner does not

join investigation, this petition would stand dismissed on the next date of hearing.”

Thereafter on 17.09.2021 it had been recorded by this court that the petitioner had joined investigation only on 16.09.2021 (as per the State) and with it further recorded that though learned counsel for the petitioner had stated that the petitioner went to join investigation, he was not joined in the investigation. This court had however expressed surprise that if that was so, why he did not immediately go to the Ilaqa Magistrate to report that fact in terms of the order dated 06.09.2021.

Be that as it may, thereafter a reply was filed by the DSP, City-1, Mohali, dated 15.11.2021, with the matter having come up for effective hearing for the first time today after that.

Without going to the detailed contentions raised in the said reply, paragraph 8 of the preliminary submissions is reproduced as follows:-

“8. That it is respectfully submitted that during the course of further inquiry, it was revealed that whenever Inder Pal Singh asked Amrit Pal Singh for getting executed sale deed of land purchased for them, then he used to linger on the matter and tell him that the same would be registered in their name in 2-3 months. On verification, the said land was not found registered in the name of aforesaid accused persons. The petitioner was found having prepared two false/fabricated agreements of full and final payment of Rs.59.00 lakh each in connivance with his friend Dalpinder Singh (brother of Bahadur Singh) and Desh Raj, i.e. one in the name of Bahadur Singh, i.e. witnessed by Amrit Pal Singh and Desh Raj and second in the name of Desh Raj which is witnessed by Kulwinder Singh and Amrit Pal Singh. Resultantly present case/FIR was registered against them.”

In view of the above, I would see absolutely no ground to entertain this petition any further. However, Mr. Munjal submits as follows:-

- i) that even as per the agreement Annexure P-1, the amount for which Inder Pal Singh had agreed to purchase the land, from Bahadur Singh, was duly paid to Bahadur Singh, with that receipt endorsed on the agreement itself;
- ii) that Inder Pal Singh having died in the year 2016, without having raised any objection with regard to the matter, thereafter his widow, i.e. the complainant got registered the FIR in the year 2020 and consequently the petitioner would not be denied to be admitted to bail absolutely by this court, after 8 years of the alleged occurrence; and
- iii) as regards the allegation in the reply of the DSP that Inder Pal Singh in fact was a drunkard allegedly at the behest of the petitioner who is a younger brother, it is wholly false allegation simply added to help the complainant.

Having considered the matter, this court obviously cannot make any comment on the correctness or otherwise of all the allegations made, especially with regard to Inder Pal Singh being a drunkard or not, but looking at what has been stated in detail by the DSP after due investigation carried out, that the petitioner in collusion with Bahadur Singh, obtained Rs.59.00 lacs from the late Inder Pal Singh and thereafter the sale deed also was never executed qua the land in question, I would find no ground to entertain this petition any further in any case, it being one seeking the concession of anticipatory bail.

Naturally, the matter would be taken to its logical conclusion by the investigating agency as per the investigation carried out, with the competent court thereafter to consider whatever report is submitted before it.

With the aforesaid observations, this petition is dismissed and the interim order vacated.

February 07, 2022
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(AMOL RATTAN SINGH)
JUDGE
Yes
Yes

Whether speaking/reasoned
Whether Reportable