

Sr.No.103

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

CRM-M-33997 of 2021

Date of decision:24.02.2022

Inderjeet Singh @ Tony Makkar ... Petitioner

versus

State of Punjab

... Respondent

Coram: Hon'ble Mr. Justice Amol Rattan Singh

Present: Mr. Ishan Khetarpal, Advocate for
Mr. Paras Jhamb, Advocate
for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab.
Mr. Neeraj Madan, Advocate
for the complainant.

Amol Rattan Singh, J.(Oral)

Case heard by way of video conferencing.

On 08.09.2021, the following order had been passed by
this court:-

“Case heard by way of video
conferencing.

By this petition, filed under the
provisions of Section 438 of the Cr.P.C, the
petitioner seeks the concession of
anticipatory bail, upon FIR no.177, dated
04.08.2021, having been registered at Police
Station City Jalalabad, District Fazilka,
alleging therein the commission of offences
punishable under Sections 420 and 506 of the
IPC.

Without making any comment on the
actual merits of the case, notice of motion is

issued, with Mr. Rana Harjassdeep Singh, learned DAG, Punjab, accepting notice on behalf of the respondent State, on the asking of the court.

A gazetted officer is directed to file a reply to the petition, annexing therewith the CD recording alleged to have been recovered (as per the counsel for the complainant), allegedly containing a conversation by which the petitioner asked for money from the complainant to get the dispute settled with regard to a plot that the complainant had inherited from his father.

Naturally, the officer filing the affidavit would also state therein as to what he has found as regards the conversation contained in the CD.

Counsel for the petitioner having submitted that it was actually a loan given by the petitioner to the complainant which he was seeking a return of vide that conversation, he would place on record any document to show that a loan had actually been accepted by the complainant from him.

Adjourned to 21.09.2021.”

Thereafter, the relevant part of the order dated 17.01.2022 is reproduced herein below:-

“.....Today, a stamp paper for an amount of Rs.50,000/-, with two paragraphs typed thereon in Gurmukhi/Punjabi, alongwith a statement verifying the contents of what is contained in the document, have been produced by learned counsel for the petitioner, with him pointing to the fact that the said affidavit was purchased by the complainant on 26.09.2018, even as per the stamp of the stamp vendor of that date (on the reverse of that document), with the signature of

the complainant appearing on the reverse of the said stamp paper, alongside the stamp of the stamp vendor.

However, the said stamp paper is neither seen to be signed by any person, nor attested by any notary public/oath commissioner.

Very obviously therefore, it is not an affidavit that can be accepted to have been executed by the aforesaid Sham Sunder, even if at face value alone it is to be believed for arguments sake (with no evidence led to that effect by either party), that it was purchased by Sham Sunder.

Therefore, what has been stated by the DSP, Headquarters, Fazilka, in his affidavit dated 06.10.2021, is being referred to.

As per the affidavit, the complainant having wished to get a plot of land owned by his late father transferred to his name, the petitioner had told him that the plot being a disputed one, it may be repossessed by the authorities, but since the petitioner had links with higher authorities he may be able to get the needful done, upon payment to be made by the complainant.

It is next stated that on the aforesaid assurance given, Rs.2.5 lakhs was paid by the complainant to the petitioner, with the petitioner also having obtained the signatures of the complainant on some blank papers, stamp papers and two blank cheques.

The complainant thereafter came to know that there was no serious dispute on the plot and only a mutation of inheritance was to be entered in his favour; and consequently when he informed the petitioner of the same, he demanded Rs.2 lakhs more and allegedly started threatening that he would misuse the blank signed papers and would kill him.

It is next stated that in fact a mutation of inheritance was entered in favour of the complainant on 02.09.2020.

Alongwith the affidavit of the DSP, a compact disc has been annexed, stated to be containing the recording of a conversation that took place between the complainants' wife and the petitioner on their mobile phones, with a transcript of that conversation also having been annexed with the reply of the DSP.

A copy of the reply has however not been received by counsel for the complainant and with the transcript running into a few pages, he would be required to study it in detail to point out the incriminating part thereof.

Adjourned to 25.01.2022, with a copy of the reply of the DSP, alongwith the vernacular, transcripts to be given to learned counsel for the complainant by learned counsel for the State.”

Today, learned counsel for the petitioner submits that in fact no amount of Rs.2.5 lakhs was ever given to the petitioner and infact he had even denied that in the conversation as has been annexed with the affidavit of the DSP.

A perusal thereof would show that though the petitioner had denied taking Rs.2.5 lakhs, however the tenor of the conversation would seem to indicate that money had been paid by the complainant's wife to the petitioner, with her grievance being that some money was still being demanded by the petitioner (as per the first and third recording annexed with the affidavit).

That being so I would see no reason to continue with this petition where the petitioner is seeking the concession of anticipatory bail and consequently, the petition is dismissed.

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However, all observations made by this court in any order passed, would be taken to be in the context of a petition filed under the provisions of Section 438 Cr.P.C and the investigation would continue as per evidence gathered by the investigating agency, for the competent court to thereafter, appraise it in its wisdom.

24th February, 2022

Shivani Kaushik

[AMOL RATTAN SINGH]

JUDGE