

204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38158-2022
Date of decision: 01.09.2022

SATNAM SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R. S. Bains, Senior Advocate with
Mr. Mohan Singh Chauhan, Advocate
for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

Mr. Rishabh Gupta, Advocate
for the complainant.

JAISHREE THAKUR, J.

This is the third petition that has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.0058 dated 08.04.2021, registered under Sections 420 and 120-B of the IPC at Police Station Canal Colony, District Bathinda, Punjab.

Mr. R. S. Bains, Senior Advocate assisted by Mr. Mohan Singh Chauhan, learned counsel for the petitioner would contend that the first bail application i.e. CRM-M-43900-2021 was withdrawn vide order dated 06.01.2022 with liberty to file afresh with better particulars and the second bail application i.e. CRM-M-4660-2022 was dismissed on merits vide order dated 14.02.2022 and, therefore, the instant petition is the third bail

application.

Learned Senior Advocate for the petitioner herein would contend that there is a change in circumstances as after the dismissal of second bail application of the petitioner and co-accused Atul Kumar, co-accused Atul Kumar has compromised the matter with the complainant and on account of said compromise arrived at between the parties, co-accused Atul Kumar has been allowed the concession of anticipatory bail by this Court on 04.07.2022 and has been directed to join investigation. It is submitted that a quashing petition has also been preferred in this Court and co-accused Atul Kumar and Vikramjeet Singh have been directed to put in an appearance before the trial Court to have their statements recorded with regard to genuinesess of the compromise. It is submitted that it is the co-accused Atul Kumar, who had forged the Aadhar Card of the petitioner and had impersonated himself as petitioner Satnam Singh and received money from the complainant and executed an agreement to sell. It is submitted that once co-accused Atul Kumar had compromised the matter with the complainant and has been granted the concession of anticipatory bail, the petitioner herein should also be allowed the concession of anticipatory bail and be permitted to join investigation.

Pursuant to notice of motion having been issued on 26.08.2022, appearances have been caused on behalf of the respondent-State and the complainant. It is submitted by learned counsel for the complainant that there is no compromise whatsoever with the petitioner herein, who has duped the complainant Narotam Dass with more than fifty lakhs of rupees. It is submitted that it is petitioner Satnam Singh, who owns 25 acres of land

and he had formed a gang in connivance with Atul Kumar and others, wherein Atul Kumar impersonates himself as Satnam Singh and executes the sale deeds with certain persons and, thereafter, Satnam Singh files civil suits challenging the said sale deeds by taking the pleas that he was not the signatory to the said sale deeds and in this way, a fraud has been played upon the complainant. It is submitted that a detailed order has been passed in CRM-M-4660-2022 dated 14.02.2022, wherein this very Court had gone into the issue and declined the concession of anticipatory bail to the petitioner Satnam Singh, who has since then being evading his arrest.

I have heard learned counsel for the parties and have also perused the pleadings of the case.

This Court had dismissed the second bail application filed by both the accused i.e. petitioner Satnam Singh and co-accused Atul Kumar by a detailed common order in CRM-M-4660-2022 and CRM-M-862-2022 on 14.02.2022, wherein this Court had taken into account the allegations as made against the petitioner herein and co-accused Atul Kumar besides others. On this Court being informed that a quashing petition had been filed by co-accused Atul Kumar and the complainant, this Court had issued notice of motion and directed the parties to get their statements recorded so as to verify the factum of the same and in case, there was a change in circumstances, this Court would have entertained the third bail application of the petitioner herein. However, this Court has been informed that the quashing petition stands withdrawn and also the fact that co-accused Atul Kumar did not put in an appearance before the Illaqa Magistrate to have his statement recorded.

In view of the fact that there is no compromise between the other co-accused and the complainant, there would be no ground to grant the concession of anticipatory bail to the petitioner herein and the same is hereby dismissed.

01.09.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*