

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

CRM-M-44916-2022 (O&M)
Date of decision: 27.09.2022

Sukhdev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. HPS Ishar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this second petition, the petitioner seeks anticipatory bail in case FIR No. 38 dated 01.03.2021 registered under Sections 406, 420, 120-B IPC, at Police Station Fatehgarh Sahib, District Fatehgarh Sahib.

Learned counsel for the petitioner submits that the earlier petition was dismissed by this Court vide order dated 14.12.2021; that the present second petition has been filed owing to the change in circumstance inasmuch as, an FIR No. 72 dated 27.04.2022 under Sections 406, 420, 467, 468, 471 IPC, has been registered at Police Station Fatehgarh Sahib, on the complaint of Harpal Singh against Manjeet Singh and Harpreet Kaur, regarding the possession of plot in question in FIR No. 38 dated 01.03.2021.

Learned counsel for the petitioner further submits that as alleged in FIR No. 72 dated 27.04.2022, Manjit Singh (father-in-law of the

complainant of the present FIR) had told complainant-Harpal Singh that he wanted to sell a plot and had received Rs. 30,000/- in cash and Rs. 70,000/- through Cheque No. 263018 drawn in State Bank of India, Sirhind Branch, as the earnest money from the complainant. He, thus, prays that since the FIR has been registered against the author of FIR No. 38 dated 01.03.2021 and the petitioner has no role to play in the alleged occurrence, the petitioner may be granted the concession of anticipatory bail.

I have heard the learned counsel for the petitioner and have also gone through the documents on record.

This Court while dismissing the first anticipatory bail petition of the petitioner and co-accused Bhagwant Singh, has already drawn a conclusion that they had executed a sale deed on 12.09.2019 with a specific demarcation in favour of the complainant, but they were not having the possession of the said property. While dismissing the earlier bail petition, this Court had considered all the pleas raised by the petitioner, as have been raised in the present petition. The change of circumstance, pleaded by the petitioner, cannot enure to the benefit of the petitioner, as the FIR registered against the complainant in the present case, must be having its own facts and circumstances.

In view of the above, finding no merit in the petition, same is hereby dismissed.

Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case before the trial Court.

27.09.2022

Mangal Singh

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No