

CRM-M-3671 of 2023

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

CRM-M-3671 of 2023
Date of decision: 24.01.2023

Tegveer Singh and another

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. D.D. Sharma, Advocate,
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Kanwaljeet Singh, Advocate, for the complainant.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.262 dated 10.11.2022 under Sections 420, 120B IPC, registered at Police Station Division No.8, Ludhiana, District Ludhiana.

Present FIR was registered on the basis of application bearing UID No.2067888 dated 29.06.2021 moved by Ashok Thapar against Manveer Kaur, Tegveer Singh (petitioner No.1) and Gurmeet Singh (petitioner No.2) to the effect that accused persons are known to him and they approached the complainant for sale of property bearing MC No.B-1421/1 measuring 136 sq yards. Complainant along with his son Ashish, friend Manish Shama, Kewal Krishan Gagandeep Verma, Vikram Kumar

CRM-M-3671 of 2023

agreed to purchase the same jointly for total sale consideration of Rs.30 lacs and Rs.20,50,000/- were given as earnest money. Complainant gave Rs.6,52,000/-, his son Ashish Thapar gave Rs.1,86,400/-, Manish Shama gave Rs.1,86,400/-, Kewal Krishan gave Rs.4,19,300/-, Gagandeep Verma also gave Rs.4,19,300/-. Balance sale consideration was to be paid on 01.05.2019 at the time of execution of sale deed, same was extended upto 01.05.2020 and then extended to 30.10.2020. On 20.06.2020 accused received Rs.50,000/- vide cheque. Date for execution of sale deed was extended to 19.03.2021 and then to 15.09.2021. They came to know that in the year 2019 they mortgaged their property with Punjab and Sindh Bank and took loan of Rs.20 lacs. They committed fraud with complainant and others. They also threatened the complainant.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. He further submits that complainant and his other associates wanted to grab the property of the petitioners under the garb of alleged agreement to sell, which has been made by the complainant by misusing the signed blank papers. He further submits that it is a dispute of civil nature, which has been given the colour of criminality. Learned counsel further submits that petitioners are ready and willing to join the investigation.

Per contra, learned State counsel, assisted by learned counsel for the complainant, opposed the prayer for grant of anticipatory bail to the petitioner. They have committed fraud with the complainant and others. Present petition is liable to be dismissed as custodial interrogation of the petitioners is required.

CRM-M-3671 of 2023

I have heard learned counsel for the parties and perused the record.

As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

There are specific allegations against the petitioners that they along with others entered into an agreement to sell on 24.04.2018 of their property against which they received various payments from various persons, namely, Ashok Thapar, Ashish Thapar, Munish Shama, Kewal Krishan, Gagandeep Verma and Bikram Kumar. They kept on extending the date of registration of sale deed. However, the property had been mortgaged with the bank on 25.07.2018 after entering into the agreement to sell. Petitioner No.1 is husband of main accused Manveer Kaur and petitioner No.2 is her son. Both the petitioners in connivance with Manveer Kaur have hatched a criminal conspiracy and both of them are signatory to the agreement to sell executed in favour of the complainant. In this way, petitioners have played fraud with the complainant and other persons. Custodial interrogation of the petitioners may provide information leading to discovery of material facts. Curtailing of their freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses. Recovery of amount in

CRM-M-3671 of 2023

question is yet to be effected and the allegations levelled against the petitioners are serious in nature.

Reliance can be placed upon the Hon'ble Supreme Court dictum passed in *Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (Crl.) 598* and *Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364* whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

No other point has been argued.

In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot prima facie be said to have been falsely enroped in the crime and her custodial interrogation is necessary in the case and that petitioner is likely to abscond and misuse her liberty and do not deserve grant of anticipatory bail.

However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

24.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No