

2023:PHHC:057556

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

CRM-M-7382-2023

Date of Decision: April 24, 2023

Iqbal Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pawan Kumar Mutneja, Sr. Advocate with
Mr. Viranjeet Singh Mahal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab

Vivek Puri, J.

1. Petitioner-Iqbal Singh is seeking anticipatory bail in the case bearing FIR No. 129, dated 06.12.2022, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station Mullanpur, SAS Nagar, Mohali.

2. Briefly, the FIR has been registered on the allegations that Madhu Gupta and Anju Goel, complainants, were known to Lokesh Kumar, who was working as a property dealer. Jarnail Singh was the original allottee of a booth which was represented to be sold to the complainants. Lokesh Kumar introduced the complainant with Jarnail Singh and on 25.07.2021, an agreement to sell was executed

with regard to the sale of one booth in Eco City, Phase-I, Mullanpur for a sum of Rs. 30 lakhs. A sum of Rs. 15 lakhs was paid as earnest money. Madhu Gupta, complainant, paid a sum of Rs. 7 lakhs in cash and Anju Goel, complainant, paid a sum of Rs. 6 lakhs in cash. A sum of Rs. 2 lakhs was paid by means of a cheque in favour of Jarnail Singh. It has been alleged that Jarnail Singh had died in the year 2018 and the agreement to sell was executed by some-one who impersonated as Jarnail Singh.

3. The learned senior counsel for the petitioner contends that the allegations against the petitioner are to the effect that he had impersonated as Jarnail Singh. In fact, the petitioner has no concern with the transaction. The money has been paid to Lokesh Kumar, co-accused who is the main person behind the transaction. Although, the photograph on the Aadhar Card in the name of Jarnail Singh pertains to the petitioner, but he is not in any manner concerned with the preparation of such fake Aadhar Card. Even the signatures of the petitioner differ from the signatures of Jarnail Singh as appended on the agreement to sell.

4. Learned State counsel has opposed the bail application on the score that in pursuance of a well planned conspiracy, the petitioner along with the co-accused have extracted a sum of Rs. 13 lakhs from the complainants.

Although, a cheque for a sum of Rs. 2 lakhs was also paid, but the same was in the name of Jarnail Singh, who had since died and consequently, the said cheque was never got encashed. A fake Aadhar Card in the name of Jarnail Singh depicting the photograph of the petitioner was prepared. Jarnail Singh has died as back as on 10.08.2018 and the agreement to sell on the basis of fake Aadhar Card has been executed on 25.07.2021 and the petitioner had impersonated as Jarnail Singh, the owner of the property.

5. Jarnail Singh was the owner of a booth which was proposed to be sold to the complainants in pursuance of the agreement to sell dated 25.07.2021. Jarnail Singh had died on 10.08.2018. A fake Aadhar Card in the name of Jarnail Singh was prepared depicting the photograph of the petitioner was thereupon. The petitioner has allegedly impersonated as Jarnail Singh and executed the agreement to sell. At the time of execution of the agreement to sell, a sum of Rs. 13 lakhs has been deceitfully extracted from the complainants. The contention on behalf of the petitioner to the effect that he has no concern in the transaction and Lokesh Kumar, the property dealer received the entire amount cannot be accepted at this stage. The petitioner is a party of criminal conspiracy in fraudulently extracting the amount and executed the agreement to sell with regard to the property pertaining to a dead person by way of

impersonation on the basis of a fake and fictitious Aadhar Card. The petitioner had represented himself as Jarnail Singh at the time of execution of agreement to sell and appended the signatures as Jarnail Singh. Besides the petitioner along with Lokesh Kumar, co-accused is also involved in another case bearing FIR No. 130, dated 06.12.2022, under Sections 420, 467, 468, 471, 120-B IPC, Police Station Mullanpur Garibdas, District SAS Nagar, Mohali, which was registered on the basis of the statement of Anil Kumar Vashisht.

6. In these set of circumstances and keeping in view the allegations against the petitioner, the matter requires thorough probe and investigation and no exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

7. The instant petition is dismissed, accordingly.

April 24, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking :	Yes / No
Whether reportable :	Yes / No