

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

Date of Decision: August 02, 2023

1. CRM-M-17054 of 2022

Bhag Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-20034 of 2022

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. Y.S. Dhaliwal, Advocate
for the petitioner in CRM-M-17054 of 2022.

Mr. Inderpreet Singh Kooner, Advocate
for the petitioner in CRM-M-20034 of 2022.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.

This order shall dispose of two petitions titled above, as both of them have arisen out of the same FIR. In both the petitions, petitioners pray for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.137 dated 24.03.2022 registered under Sections 419, 420, 465, 467, 468, 471 and 120 IPC at Police Station Sohana, District SAS Nagar.

2. FIR was lodged on the complaint of one Raj Kumar, as per which, he was introduced to Gurjinder Singh @ Tony by property dealers Sukhvir Singh and Gurkaram Singh. Said Gurinder Singh alias Tony got entered into an agreement to sell with complainant, in respect of 2 kanals of land situated in Village Seonk for a consideration of ₹60,60,000/- and obtained ₹20 lacs as earnest money. ₹5 lakhs were to be paid at the time of delivery of possession. Date of registry was fixed as 10.12.2021. However, Gurjinder Singh alias Tony started demanding more money and saying that

he will get the registry executed later on. Smelling suspicion, complainant enquired the matter and came to know that in fact, he had been defrauded, inasmuch as some fake person had impersonated in place of the real owner – Balwinder Singh. During investigation, Gurjinder Singh alias Tony was arrested and he disclosed that it is Bhag Singh (*petitioner in CRM-M-17054 of 2022*), who had impersonated in place of real owner Balwinder Singh. It was further found that at the time of execution of the agreement, one Manpreet (*petitioner in CRM-M-20034 of 2022*) and his fiancée Baljinder Kaur had accompanied them and that Baljinder Kaur had claimed that Bhag Singh was Balwinder Singh and her father. Said Manpreet Singh had received the major amount from the complainant at that time. During investigation, it was found that even the lady Baljinder Kaur was fake and had been impersonated by Rajdeep Kaur. It was further found that petitioner Bhag Singh had produced a fake Aadhaar Card at the time of executing the agreement.

3. It is contended on behalf of the petitioner – Bhag Singh that he is an illiterate person, known to co-accused Gurjinder Singh alias Tony, who took him in his car and got him drunk. It is on the asking of said Gurjinder Singh that he became a witness to the agreement to sell and that taking advantage of his age and intoxicated state, his thumb impressions were taken on blank papers. Petitioner further submits that there is no allegation of inducement against him; that he has already joined the investigation and so his interim anticipatory bail be confirmed.

4. On behalf of the petitioner Manpreet Singh, it is contended that there is delay of about four months in registration of the FIR; that he has been falsely implicated; that no role is attributed to him; that he has been nominated on the basis of disclosure statement; that co-accused Gurkaram

Singh has already been allowed bail. Learned counsel further submits that the petitioner has already joined the investigation and so, interim anticipatory bail granted to him by this Court be confirmed.

5. Learned State Counsel has opposed both the petitions. It is submitted that both the petitioners were a part of conspiracy to cheat the complainant along with co-accused Gurjinder Singh alias Tony and Rajdeep Kaur, who impersonated as Baljinder Kaur and projected herself to be the daughter of real owner Balwinder Singh; whereas it is petitioner Bhag Singh who impersonated as Balwinder Singh. Learned State Counsel submits further that petitioner – Manpreet Singh was also part of this conspiracy and he received major amount from the complainant at the time of agreement. Learned State Counsel further submits that though the two petitioners joined the investigation but none of them co-operate in the same. Petitioner – Bhag Singh did not get recovered the fake Aadhaar Card used in the commission of the offence and so, his custodial interrogation is required. It was also found that he had received an amount of ₹50,000/-, which also has not been got recovered. Qua petitioner – Manpreet Singh also, it is submitted that he has not got effected the recovery of the amount received by him.

6. I have considered submissions of both the sides and appraised the record.

7. Petitioner – Bhag Singh was allowed interim anticipatory bail vide order dated 26.04.2022 but he has not co-operated in the investigation as per the respondent- State. Similarly, petitioner – Manpreet Singh was allowed interim anticipatory bail vide order dated 11.05.2022 but he too did not co-operate in the investigation.

8. Petitioner – Bhag Singh is the person, who impersonated as the real owner Balwinder Singh. He cannot be allowed to plead his illiteracy or

old age to seek the anticipatory bail. More the age, more is the life experience. Besides, illiterate person does not mean a fool person. Petitioner is alleged to have used his fake Aadhaar Card, while executing the agreement to sell in question. It cannot be believed at this stage that he simply put his thumb impressions under the state of intoxication as is contended by him. His custodial interrogation may be necessary to effect the recovery of fake Aadhaar Card and for further investigation. Similarly, petitioner – Manpreet Singh was a part of conspiracy, who appeared along with fake lady Rajdeep Kaur, who was impersonating as Baljinder Kaur. As per investigation, he received the major amount from the complainant. His custodial interrogation will be required for further investigation.

9. In view of the afore-said facts and circumstances, but without commenting anything on the merits of the case, none of the petitioners deserve to be allowed the benefit of anticipatory bail.

Dismissed.

A photocopy of this order be placed on the file of connected case.

August 02, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No