

201
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39910-2022 (O&M)
Date of Decision: 06.01.2023

Satwinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Sarwara, Advocate, for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 432 dated 26.07.2021 under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Zirakpur, District Mohali.

It has been submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and he was not involved in the offence, if any and therefore, he may be considered for the grant of anticipatory bail. He further submitted that this is a second anticipatory bail petition filed by the petitioner and his earlier anticipatory bail was dismissed on 25.07.2022 in CRM-M-33969-2021 by this Court but now there is a change in circumstance because a compromise has been effected with the complainant namely Baljeet Singh and therefore, the

petitioner may be considered for the grant of anticipatory bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that the present anticipatory bail petition is not maintainable since a mere compromise with the complainant in the peculiar facts and circumstances cannot be stated to be a change in circumstance. She submitted that this Court passed a detailed order while dismissing his earlier bail petition and has referred to a judgment of the Hon'ble Supreme Court in ***G.R. Ananda Babu Versus State of Tamil Nadu and another [2021(1) RCR (Criminal) 843]*** in this regard.

I have heard the learned counsel for the parties.

The allegation in the FIR was that a sale deed was registered in the office of Joint Sub Registrar, Zirakpur on 07.07.2021 in which the seller was stated to be one Ajaib Singh son of Harbans Singh and the purchaser was one Gurmeet Kaur co-accused. A cheque pertaining to the sale consideration was also issued but was not encashed by anybody. However, on 23.07.2021, the son-in-law of the aforesaid Ajaib Singh made a complaint that Ajaib Singh has already died long ago and someone else had impersonated. The property of the Ajaib Singh has been sold to the co-accused Gurmeet Kaur by way of impersonation and as per the agreement, the sale consideration was Rs. 40 lacs. As per the allegations, the petitioner was person through whom the same deed was effected since he was a property dealer.

The petitioner alongwith aforesaid Gurmeet Kaur had filed anticipatory bail before this Court and on 25.07.2022 the anticipatory bail of co-accused Gurmeet Kaur was allowed whereas that of the petitioner was

dismissed by passing a detailed order. It was also observed in the order that although the present petitioner was granted interim bail by this Court but he failed to cooperate with the investigation process and he did not disclose the name of the person who had actually impersonated the deceased Ajaib Singh and that the joining of the petitioner with the investigation process on the basis of interim bail was only an empty shell since he did not cooperate at all. The anticipatory bail petition of the petitioner was therefore dismissed by this Court.

Now a second bail petition has been filed by the petitioner on the ground that a compromise has been effected with the complainant namely Baljeet Singh. A separate application i.e. CRM-162-2023 has also been filed for impleading Baljeet Singh as a respondent.

After hearing the learned counsel for the parties, this Court is of the view that the complainant Baljeet Singh was only an informant who informed the Sub Registrar after the registration of the sale deed that the seller namely Ajaib Singh had already died long ago and therefore, the entire process was stalled and the cheque was also not encashed. This Court is of the view that a mere compromise in such like case of alleged impersonation where direct allegations have been levelled against the petitioner cannot be said to be a changed circumstance or a strong reason for entertaining a second bail petition when earlier anticipatory bail petition was dismissed on merits. The relevant portion of the judgment of Hon'ble Supreme in ***G.R. Ananda Babu Versus The State of Tamil Nadu and another (Supra)*** is reproduced as under:-

“7. As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when

the case diary and the status report, clearly indicated that the accused (respondent No. 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge”.

After hearing the learned counsel for the parties, this Court is of the view that there is no strong or cogent reason for entertaining the second anticipatory bail petition since the earlier anticipatory bail petition was dismissed by passing a detailed order by this Court.

Consequently, the present petition is dismissed.

All the miscellaneous applications, if any, shall be deemed to be disposed of since the main case has been dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

06.01.2023

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No