

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANIDGARH

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**2023:PHHC:104298**

CRM-M-39428-2023 (O&M)

Date of decision: August 11<sup>th</sup>, 2023

Rahul Sharma

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Ms. Amarinder Kaur, Advocate  
for the petitioner.

**MANJARI NEHRU KAUL, J.**

The petitioner is seeking the concession of anticipatory bail in case FIR No.130 dated 31.03.2023 under Sections 420, 120-B of the IPC, 1960, registered at Police Station Barnala.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand and a totally unbelievable version has been brought forth in the FIR in question as on the one hand, it has been stated by the petitioner that he was suffering from some mental illness and in the same breath, it has stated that he was working with the Punjab Armed Forces. It has further been submitted that the dispute, if any, between the complainant and the petitioner is of a civil nature which is being given a criminal complexion by the complainant by misusing his official position. While drawing the attention of this Court to the allegations leveled in the FIR, learned counsel has further submitted that it has been alleged therein that the petitioner in connivance with his wife had taken advantage of the illness of the petitioner by

transferring the house of the complainant in the name of the petitioner by executing a forged sale deed after taking him to the Court Complex. Learned counsel submits that the Court below while rejecting his case for anticipatory bail failed to appreciate all the aforementioned facts. Learned counsel submits that though the custodial interrogation of the petitioner is not required, however, he is still willing to join and cooperate with the investigating agency and hence, he be extended the concession of anticipatory bail.

I have heard the learned counsel for the petitioner and perused the relevant material on record.

A perusal of the order dated 02.05.2023 passed by the learned Sessions Judge, Barnala, reveals that the petitioner had been granted the concession of interim bail and thereafter he had joined investigation. However, on a prayer made by the petitioner's counsel for placing on record the source of payment made by the petitioner to the complainant, no such proof was ever produced in the Court or before the investigating agency. Rather, the Public Prosecutor had stated before the trial Court that the witnesses, in whose presence the alleged agreement to sell had been executed, had stated that they did not have any document of proof with regard to payment made to the complainant as the entire transaction had taken place in cash. Not only this, it has also come during investigation that when a cheque of ₹5,50,000/- was issued by the petitioner to the complainant, he had only ₹1,000/- in his account. This Court cannot lose sight of the fact that the complainant was not mentally fit when the alleged agreement to sell was executed by the petitioner along with the co-accused and thus, it was evident that all the accused including the petitioner had taken advantage of the mental illness

of the petitioner by transferring a house on the basis of a forged sale deed.

In the aforementioned circumstances, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner. The petition, therefore, stands dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 11<sup>th</sup>, 2023  
Puneet

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No