

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

102

CRM-M-52358-2023 (O&M)

Date of Decision: 06.11.2023

Jaswinder Singh @ Dara

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.S. Multani, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Bawa Karanveer, Advocate
for the complainant.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition prayer is made for grant of anticipatory bail to the petitioner in case FIR No. 245 dated 20.10.2022 under Sections 420, 465, 467, 468, 120-B IPC registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has no role, whatsoever, in the commission of alleged crime, rather in order to settle the civil litigation, he has been falsely implicated in the present case. Learned counsel for the petitioner further submits that though the petitioner has withdrawn Rs. 9,50,000/- from the account of Surjeet Kaur on 10.03.2022, however, the same was not retained by him in his account. In fact, on the same day, he deposited Rs. 9,00,000/- in the account of one Kharait Lal (co-accused). Therefore, the allegations against the petitioner

are not sustainable.

3. Learned counsel for the petitioner further submits that the petitioner has earlier got registered an FIR No. 294 dated 11.11.2021 under Sections 307, 341, 323, 148, 149 IPC and 25 of the Arms Act, at Police Station Sadar Fazilka, against the present complainant- Kuldeep Singh as the petitioner has received a gunshot injury at the hands of the complainant. With intent to pressurize the petitioner to compromise the FIR (supra), he has been unnecessarily dragged in the FIR.

4. A perusal of the FIR makes revelation that the petitioner was a tenant in a shop owned by one Surjeet Kaur, who is old widow lady. He is running a Gym in that shop. It is further alleged in the FIR that he has illicit relations with one Harppreet Kaur daughter-in-law of an old widow lady and in connivance with her, he cheated the old lady and got sale deed executed in favour of one Kharait Lal. Not only that he has withdrawn Rs. 9,50,000/- from the account of Surjeet Kaur on 10.03.2022. The enquiry report clearly reveals that on 14.03.2022, Kharait Lal has withdrawn an amount of Rs. 4,30,000/- from the account of Surjeet Kaur. Apart from this, Rs. 3,15,000/- were also withdrawn from the account of widow lady through ATM vide different transactions and from the CCTV footage of ATM, it transpires that on 02.05.2022, the present petitioner withdrew the amount through ATM card of Surjit Kaur.

5. The contention that the complainant has entered into compromise with Kharait Lal and in lieu of the compromise, he be enlarged on interim bail, carries no merit as the compromise was effected only with the co-accused, whereas no compromise was effected with the present petitioner. Even the Co-ordinate Bench of this Court vide order dated

18.05.2023 passed in CRM-M-19072-2023, quashed the instant FIR No. 245 dated 20.10.2022 under Sections 420, 465, 467, 468, 120-B IPC registered at Police Station Sadar Fazilka, District Fazilka, only qua the petitioner therein. The relevant extract of the order dated 18.05.2023 is reproduced hereunder :-

“9. Resultantly, the present petition is allowed and FIR No. 245, dated 20.10.2022 registered under Sections 420, 465, 467, 468, 120-B IPC at Police Station Sadar Fazilka, District Fazilka, and all other consequential proceedings arising therefrom on the basis of the compromise dated 28.03.2022, are quashed qua the petitioner.”

6. This Court has examined the entire FIR and other record. On the last date of hearing i.e. 16.10.2023, the petitioner sought time to seek instructions with regard to transaction of Rs. 9,50,000/-. Though, the learned counsel for the petitioner is unable to deny the factum of withdrawal of amount by the petitioner from the account of Surjeet Kaur on 10.03.2022, however, he submits that he returned that amount on the very same day and deposited in the account of Kharait Lal. Therefore, he has no liability at all. The record, in fact, reveals that the petitioner in connivance with Kharait Lal withdrew the amount. The enquiry further reveals that petitioner also withdrew money from the account of Surjeet Kaur, an old widow by using her ATM card.

7. Learned counsel for the State, on instructions from the Investigating Officer, submits that the ATM card which has been used by the present petitioner is required to be recovered.

8. Considering the fact that the petitioner committed an offence with an old widow lady upon whom she reposed confidence, the gravity of

offence and the fact that he is required for the purpose of investigation and for recovery of the ATM card etc., this Court is not inclined to accept the present petition, therefore, dismissed accordingly.

(KULDEEP TIWARI)
JUDGE

06.11.2023
Satyawar

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No