

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

CRM-M-57764-2022

Date of Decision:-27.07.2023

Yadwinder Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- None for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 438 Cr.PC is for the grant of anticipatory bail in case FIR No.272 dated 24.09.2022 under Sections 406, 420 and 120-B IPC registered at Police Station Sahnewal, District Ludhiana.

2. The allegations are that one Binder Kaur mother-in-law of Harbhajan Singh (complainant) had entered into an agreement to sell dated 4.4.2022 with co-accused Des Raj in regard to the sale of land measuring 28 Kanals situated at Samrala, Tehsil and District Ludhiana in lieu of which an amount of Rs.30 lacs in cash had been handed over to the co-accused Des Raj in the presence of the petitioner-Yadwinder Singh and his son Simrat Singh. The petitioner was also signatory to the said agreement as a witness. It had also been found during investigation that co-accused Des Raj had not been recorded as owner of the said land as Des Raj had only entered into an agreement dated 4.4.2022 to purchase the said land from one Jatinder Singh Mangat who himself had entered into an agreement dated 12.11.2021 to

purchase the said land from the registered/recorded owner i.e. Sukhwinder Kaur daughter of Makhan Singh. However, a civil dispute with regard to the aforesaid land was pending in the civil court between the recorded/registered owner and her siblings.

3. When this matter came up for hearing on 12.12.2022, initially, notice had been issued and the matter was adjourned to 12.01.2023. On the said date the following order was passed:-

“ Short reply by way of affidavit of Mr. Vaibhav Sehgal, ACP, Ludhiana (South) has been filed in Court. Same is taken on record.

The Counsel for the parties wish to explore the possibility of a compromise at the first instance. They are directed to appear before Mediation and Conciliation Centre of this Court on 16.01.2023.

Adjourned to 02.02.2023. ”

4. On 10.02.2023 the following order was passed:-

“ Since it has been brought to the notice of this Court that there is no compromise with Yadwinder Singh, who also did not appear before the Mediation and Conciliation Centre of this Court.

The interim order dated 02.02.2023 stand vacated qua Yadwinder Singh only.

Adjourned to 06.07.2023. ”

5. Today none has caused appearance on behalf of the petitioner.

6. The Counsel for the State contends that there is no compromise between the complainant and the present petitioner who had also not appeared before the Mediation and Conciliation Centre of this Court. The allegations against the petitioner were in fact grave. He had allured the complainant into handing over a sum of Rs.30 lacs to the co-accused Des Raj in lieu of the agreement to sell dated 4.4.2022 of which he was a

signatory as a witness. The said land admittedly did not belong to the co-accused Des Raj. In fact the said amount of Rs.30 lacs had been handed over to Des Raj on the assurance of the petitioner and in his presence. Therefore, the nature of the allegations levelled against the petitioner did not entitle him to the grant of anticipatory bail.

7. I have heard learned Counsel for the State and examined the record.

8. Admittedly, initially, only notice had been issued pursuant to which the complainant had appeared. At that stage, the parties had stated that they wished to explore the possibilities of a compromise and were therefore directed to appear before Mediation and Conciliation Centre of this Court. However, later on it was brought to the notice of this court that there was no compromise with the petitioner Yadwinder Singh who had also not appeared before the Mediation and Conciliation Centre. Today also he remains unrepresented. However, the allegations as levelled in the FIR and also as per the reply dated 12.1.2023 are serious. The custodial interrogation of the petitioner is certainly required as the offence is prima facie established against him and his co-accused and the investigation has to be taken to its logical conclusion. Therefore, the petitioner is not entitled to the grant of anticipatory bail.

9. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

July 27, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No