

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

CRM-M-9201-2024

Date of decision : 02.04.2024

Dalbir Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. A.S. Jawandha, Advocate
for the petitioner.

Mr. Navneet Singh, Senior DAG, Punjab.

Mr. Lalit Kumar Narang, Advocate
for the complainant.

RAJESH BHARDWAJ, J.

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.144 dated 7.12.2022 under sections 419, 420, 465, 467, 468, 471, 120-B I.P.C, registered at Police Station, Dirba, District Sangrur, Punjab.

As per factual matrix, the FIR in question was registered on the statement of one Arjan Dass, wherein it was alleged that he was an agriculturist by profession and wanted to purchase land in Punjab for which his co-villager Rajender Singh introduced him to one Amrik Singh. Then he along with Rajender Singh, Amrik Singh and both his sons went to see land at Village Janal where they met Ranjodh Singh son of Surjit Singh and Dalvir Singh (petitioner) who showed them the land and demanded the advance money. Ranjodh Singh introduced himself to be the grandson of the real owners, who had come from England for one month. Then on the next day, they went to the Haveli Dhaba where the land owners Harmeet Singh, Chatar Singh, Ranjodh Singh, Dalvir Singh

and one more unknown person, who told his name as Nishan Singh met them. They entered into an agreement to sell of the land measuring 82 kanal 13 marla for a consideration of Rs.23,80,000/- and for the another land measuring 18 kanals for a consideration of Rs.21,60,000/-. The complainant paid an amount of Rs.10 lakh in cash and one cheque no.479158 dated 01.11.2022 of Rs.25 lakh of Punjab National Bank was received by Harmit Singh and another cheque no.479159 dated 01.11.2022 of Rs.25 lakh was received by Chatar Singh. On 02.11.2022 Amrik Singh dealer told the complainant that they had been cheated as the actual owners of the land are in England and thus, the complainant has been cheated by preparing duplicate Aadhar Cards and by producing duplicate persons impersonating as the real owners of the land. On further inquiry they became fully sure that Ranjodh Singh, Dalvir Singh and Nishan Singh had committed cheating with them of Rs.10 lakh by producing Harmeet Singh and Chatar Singh as owners of the land. A request was made to take legal action against the culprits.

The investigation commenced and the petitioner was arrested on 18.12.2023. He approached the Court of learned Addl. Sessions Judge, Sangrur for grant of bail, however, after hearing counsel for the parties, the same was declined vide order dated 06.02.2024. Hence, petitioner is before this Court by way of filing the present petition for grant of bail.

It has been contended by counsel for the petitioner that there are no specific allegations against the petitioner and he has been falsely implicated in this case. It has been further contended by counsel for the petitioner that alleged Rs.10,00,000/- in cash was given to Harmit Singh and Chatar Singh and hence, petitioner was alleged beneficiary of this

transaction. He submits that the petitioner is behind bars since 18.12.2023. Investigation is complete and the challan has been presented. He submits that there is no evidence collected by the investigating agency for the complicity of the petitioner in the alleged offence. It is submitted that in the facts and circumstances of the case, petitioner deserves to be granted bail.

Per contra, counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner had played a specific role in duping the complainant with a heavy amount. He submits that it is the petitioner who connived with the co-accused and introduced the fake persons in place of the real owners before the complainant. He submits that throughout, petitioner is involved in the complete transaction bonafidely made by the complainant. However, later on, it was found that the complainant has been cheated by all the accused persons by conspiring with each other. Thus, the petitioner does not deserve to be granted bail.

Learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that the petitioner is involved in the conspiracy hatched by the accused. He submits that Ranjot Singh and Dalbir Singh i.e. the petitioner showed land to the complainant and they demanded the advance amount. However, the fake owners were produced before the complainant by the petitioner and the co-accused and thus, the complainant was made to sign the agreement by playing fraud with him. He has submitted that during investigation, it was found that original owners were Harmit Singh, Chatar Singh and Surjit Kaur and they were permanent resident of England whereas, Ranjodh Singh, Dalbir Singh and Nishan Singh were produced

and were projected as the original owners of this land. Thus, the complainant was defrauded by the petitioner in conspiracy with other co-accused. It is submitted that in all, there are 06 accused and till date only 03 accused could be arrested whereas, rest 03 accused are yet to be arrested. He submits that though the investigation is complete however, the charges are yet to be framed. It is submitted that in the facts and circumstances of the case, petitioner does not deserve the concession of bail at this stage as the same would prejudice the trial.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested in this case on 18.12.2023. As per allegations made by the complainant, petitioner in conspiracy with the co-accused had produced fake owners of the land for which heavy amount was charged from the complainant. Later on it was found that the original owners were residing in England and thus, complainant was made to sign the agreement and he was defrauded with an amount of Rs.10,00,000/- by the petitioner and the co-accused. As submitted before this Court, out of 06 accused, only 03 accused were arrested so far whereas, rest 03 accused are at large. So far only challan has been presented in this case and the charges are yet to be framed.

In view of the overall facts and circumstances of the case, this Court does not find it appropriate to grant bail to the petitioner at this stage as the same would prejudice the trial as 03 co-accused are yet to be arrested. Thus, finding no merit in the present petition, the same is dismissed.

02.04.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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