



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

**Reserved on : May 18, 2024
Date of Decision : May 20, 2024**

CRM-M-11789-2024 (O&M)

Gurbakshish Singh @ GD

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By : - Mr. Daman Jeet Bhoriwal, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Sanjeev Manrai, Advocate with
Mr. S.S. Chahal, Advocate for the complainant.

DEEPAK GUPTA, J.

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.48 dated 21.03.2023, under Sections 420, 467, 468 and 471 of IPC, registered at Police Station Kotwali, Bathinda, District Bathinda.

2. FIR has been lodged on the complaint of Dr. Sumit Dhuria, Assistant Professor at Adesh Hospital, Bathinda, who is running Dhuria Super Specialty Hospital at Amrik Singh Road, Bathinda. The area of his hospital being small, he wanted to purchase a bigger plot to run his hospital. He showed eagerness to co-accused Manjeet Singh Sandhu, who told that he was friendly with Gurbakshish Singh (*petitioner*), who was



further acquainted to Krishan Gulati, the Recovery Manager of Punjab Nation Bank; that said bank was going to auction a plot of 557 yards in front of Krishna Prem Sarovar Mandir, Bathinda near the hospital of complainant, which he could get at cheaper rates. Manjeet Singh Sandhu introduced the complainant to the petitioner. They allured him to purchase the plot at cheaper rates from the bank. Petitioner and his wife took an amount of ₹5 lacs from the complainant in presence of Karan Kumar; whereas another amount of ₹11.5 lacs was got deposited through bank transactions by the petitioner in the account of his mother on various dates. Thus, on the pretext of getting a plot from the bank, petitioner and others cheated the complainant for an amount of ₹16.5 lacs.

3. It is contended by learned counsel that the petitioner has been falsely implicated; that petitioner was not instrumental in getting the plot purchased for the complainant; and in fact, petitioner had produced the bills regarding purchase of gravel and sand by the complainant from the petitioner; that petitioner was earlier allowed interim anticipatory bail by the Court of Sessions vide order dated 11.01.2024 (Annexure P-2) and he had joined the investigation, but later on his petition for anticipatory bail was rejected vide order dated 31.01.2024 (Annexure P-3). Learned counsel contends that petitioner is still ready to join the investigation and so, he be allowed anticipatory bail.

4. By moving an application bearing No.CRM-19338-2024, petitioner has also placed on record copies of certain bill as Annexure A-1



(colly) and copy of GST return as Annexure A-2, so as to support his contention of having sold gravel and sand to the complainant.

5. Strongly opposing the bail petition, learned State counsel alongwith counsel for the complainant has drawn attention towards the statement of bank account of the complainant – Dr. Sumit Dhuria, to point out that the amount of approximately ₹11.5 lacs was transferred in the account of mother of the petitioner or Greendays Projects and Traders, being run by the petitioner during October 2022 to November, 2022. On the other hand, various bills (copy Annexure A-1) placed on record by the petitioner would reveal that all these bills have been issued regarding the sale of sand gravel etc. during January 2, 2023 to 31.01.2023. Pointed attention is drawn by learned State counsel to the effect that none of the bills/Tax Invoices contain any signatures regarding receipt of the material on behalf of the complainant. Not only this, all these bills taken together are for an amount of ₹8,64,402/-. Even the GST form (Annexure A-2) relied by the petitioner is for an amount of ₹8,64,450/-. Learned State counsel contends that there could be no question of making payment by the complainant in advance in October, 2022 and November, 2022 to the petitioner, for alleged purchase of material on different days in January, 2023, which in fact was never purchased nor the petitioner had produced any delivery challan in this regard. Learned State counsel also submits that though petitioner was allowed interim anticipatory bail by the Court of Sessions, but he did not co-operate in the investigation. Prayer is made for dismissal of the



petition, as custodial interrogation of petitioner is required.

5. I have considered submissions of both the sides and have appraised the record carefully.

6. After appraising the material on file and considering the submissions of both the parties, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner, having regard to the nature of the allegations against him. This Court also notices that the petitioner has tried to mislead the Court by placing on record bills/tax invoices of the period January, 2023; whereas payments in the account of his mother or Greendays Projects and Traders had been made in October/November, 2022 by the complainant. From these circumstances, it appears that the custodial interrogation of the petitioner is required to unearth the entire truth.

Dismissed.

May 20, 2024
Sarita

Whether reasoned/speaking:
Whether reportable:

(DEEPAK GUPTA)
JUDGE
Yes
No