

CRM-M-13020-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

CRM-M-13020-2024
Date of Decision:-08.04.2024

Manjit Singh Mand
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Gagandeep Singh and
Mr. Tarun Seth, Advocates for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

Mr. Vishwajit Bedi, Advocate for the complainant.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.008 dated 11.02.2024, under Sections 406, 420 and 120-B of IPC, registered at Police Station NRI, District Ludhiana Police Commissionerate.
2. Learned counsel for the petitioner submits that there is no role attributed to the petitioner in this FIR and he has only been nominated on the ground that he was aware that the GPA executed by the complainant in favour of one Jasbir Singh was cancelled orally and after that a civil suit was also filed in which it was categorically stated that the GPA stands cancelled. Thereafter, Jasbir Singh had executed a GPA in favour of his son Gagangian Deep Singh, who executed four sale deeds on the strength of the said GPA.

3. Learned counsel for the State assisted by learned counsel for the complainant has submitted that the correct position is that there is one more FIR No.10 dated 06.03.2024 in which the petitioner was given the GPA by the said Jasbir Singh, who in furtherance, transferred the land in favour of his daughter-in-law and, the present petitioner and his son along with Jasbir Singh are accused in both the FIRs.

4. Learned counsel for the petitioner submits that, in fact, the agreement was executed between the complainant and the petitioner, who was also holding his GPA at one point of time to prepare the cases in which he was entitled to 500 sq.yard. property of the complainant. Although the said agreement is not on record of this file but he further submits that out of the said 500 sq.yard., he has sold 151.66 sq.yard, to one Geeta Devi.

5. Learned State counsel assisted by learned counsel for the complainant submits that the act and conduct of the petitioner clearly demonstrates the intention to cheat from the very beginning on the ground that Manjit Singh was always silent right from 2009 that the complainant has already cancelled the GPA in favour of Jasbir Singh from whom he got the GPA in 2021. Secondly, the GPA has been exercised for execution of the sale in favour of Geeta Devi and the present petitioner along with the son's Gagangian Deep Singh and Jasbir Singh have executed three more sale deeds and the allegation is that the petitioner is a part of the criminal conspiracy to usurp the property of the complainant. Learned State counsel further submits that the notice under Section 41 Cr.P.C. was issued to the petitioner which has also not been responded and there is no violation of

judgment passed by the Hon’ble Supreme Court of India in *Arnesh Kumar vs State Of Bihar & Anr.(2014) 8 SCC 273..*

6. Heard learned counsel for the parties and a considering the fact that the petitioner played an active role in the offence and hence his custodial interrogation would be much required. More so, in light of the fact that the main accused is none other than his son, who is also absconding from the process of law. Hence, I do not find any ground to grant extraordinary concession to the petitioner.
7. Accordingly, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

April 08, 2024
manju

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No