

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104) CRM-M-13387-2024 (O&M)
Date of Decision:-03.04.2024
Sukhpreet Singh SandhuPetitioner
Versus
State of PunjabRespondents

CORAM: HON’BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vivek Singla, advocate for the petitioner.
Mr. Siddharth Attri, AAG, Punjab.
Mr. Rajat Dogra, Advocate for the complainant.

ALOK JAIN, J. (Oral)

CRM-12892-2024

The present application is for placing on record additional affidavit of the applicant-petitioner.

Application is allowed as prayed for.

Annexures P-3 and P-4 are taken on record.

CRM-M-13387-2024

1. The present petitioner has been filed under section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.223 dated 19.12.2023, registered under Sections 341, 323, 379-B, 365, 511, 148, 149 of IPC, at Police Station City Malout, District Sri Muktsar Sahib.
2. Learned counsel for the petitioner after taking through the FIR has submitted that there is no specific allegation against the petitioner except for bald averments about his act in a civil suit. He further submits

that there is no injury attributed to the petitioner and more so, three persons named in the said FIR have already been exonerated by the authorities during investigation, three other co-accused have been granted the concession of regular bail and one co-accused has been granted the concession of anticipatory bail. He further submits that till date the complainant has not filed any civil suit to raise his claim *qua* the dispute in question. Learned counsel for the petitioner further submits that it is a case of antagonism between two families and, therefore, time and again complaints and FIRs have been lodged against each other's family members. Apart from that, the petitioner has clean antecedents and he is not involved in any other offence.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant submits that, in fact it is act and conduct of the petitioner herein, which has led to the entire dispute. It is submitted that the property in question was purchased by the complainant initially in partnership with one Darshan Singh Sohal, though there was no written agreement in his favour. However, subsequent thereto, Darshan Singh Sohal executed a power of attorney in favour of his son Harpinder Singh, who entered into an agreement to sell *qua* the same property on 14.09.2017 with complainant. It is also submitted that, in fact, the civil suit filed by Darshan Singh Sohal was decreed and Darshan Singh Sohal subsequently executed a power of attorney in favour of the present petitioner, who after taking the money from the judgment debtors withdrew the execution petition but did not give the amount received by him to the beneficial owner. In the backdrop of the said dispute which was going on since

19.10.2017, the alleged offence took place, in which petitioner is the main conspirator and snatched the chain of the complainant and, hence has played a pivotal role in the commission of offence.

4. Learned counsel for the petitioner has reiterated that the complainant has not enforced his rights on the basis of the alleged agreement to sell between Harpinder Singh and him and now frivolous litigations are being lodged against the petitioner.

5. I have heard learned counsel for the parties at length and have perused the paper book. A perusal of Annexures P-3 and P-4 clearly demonstrates that the execution petition was filed for execution of decree dated 04.08.2017 in favour of Darshan Singh Sohal and the same was filed by the present petitioner on 21.07.2018 i.e. after the agreement to sell was executed *qua* the same land by Harpinder Singh holding power of attorney of Darshan Singh Sohal. However, as per annexure P-4, the execution petition was dismissed as withdrawn against judgment debtors No.2 to 6 vide order dated 06.07.2022 and thereafter, the present incident took place on 19.12.2023. The petitioner is the beneficiary and has apparently played a pivotal role in the commission of the said offence and his custodial interrogation would be much required for bringing the truth out.

6. As regards the parity claimed by the petitioner, a perusal of the FIR demonstrate that the allegation upon the petitioner, that he on asking of one Darshan Singh Sohal, withdrew the case(execution petition) and received huge amounts and, therefore, the petitioner played a crucial role in the commission of offence, and was the main reason and the person whose act and conduct led to the commission of that offence and, hence, the

petitioner cannot be considered to be at parity with other co-accused, since he is the main conspirator.

7. In light of the above, the petitioner has not been able to carve out a case for the grant of extraordinary concession of anticipatory bail. According the present petition stands dismissed.

April 03, 2024

manju

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No

(ALOK JAIN)

JUDGE