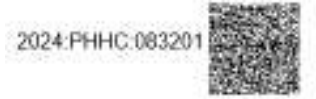


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH



210

CRM-M-30143 of 2024
DECIDED ON: 4th July, 2024

Jai Partap Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE **SANDEEP MOUDGIL.**

Present: Mr. SPS Sidhu, Advocate for petitioner.

Mr. Rajiv Verma, DAG Punjab.

SANDEEP MOUDGIL., J (ORAL)

The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.63, dated 27.4.2024, under Sections 419, 420, 465, 467, 468, 471 and 120-B of the IPC, 1860, registered at Police Station NRI, District SAS Nagar Mohali.

2. In compliance with previous order dated 18.6.2024, status report by way of an affidavit of Ashok Kumar PPS Deputy Superintendent of Police, NRI Wing, Distgrict SAS Nagar on behalf of respondent-Sate of Punjab dated 4.7.2024 filed today in Court is taken on record.

3. In addition to the arguments already made on the previous date of hearing, Today Mr. Rajiv Verma, learned DAG Punjab would draw attention of this Court towards para-3 of the status report depicting that the house in question was purchased by Jai Partap Singh by virtue of sale deed dated 16.6.2017 from one Manpreet Singh who is brother of the complainant and

during inquiry it surfaced that father of the complainant namely Surinder Pal

Singh was not in India on the date of execution of sale deed on 11.4.2017. It has also been recorded in the status report as pointed out by learned State Counsel that Surinder Pal Singh had come to India during the period i.e. on 20.9.2017 till 23.1.2018. It is during that period that on 2.12.2017 Manjit Kaur grandmother of complainant and mother of Surinder Pal Singh unfortunately died on 2.12.2017.

4. A perusal of the status report would further make it evident that in the inquiry the investigating agency has named Gurmeet Kumar @ Golu co-accused as a main culprit behind this quarrel who device the entire incident and cheated the complainant of his share but since the petitioner is a bona-fide purchaser who retained the said property after obtaining the both sale consideration. For more than four years before departing the said house in question to one Gurmeet Kumar on 18.2.2021. It is a specific case of the petitioner that he had paid the whole amount of consideration as a *bona fide* purchaser that is to the tune of Rs.80 lac on different dates i.e. on 2.5.2017, 7.6.2017, and 16.6.2017 to the co-accused Manpreet Singh.

5. Learned counsel for the petitioner at this stage argues that the petitioner was well known to Gurmeet Kumar @ Gola even prior to the execution of the sale deed i.e. since 2015 and on that account the investigating agency has nominated himself as an accused raising allegation against his role and conduct in the transaction which has changed hands on various occasions.

6. Be that as it may, there is no incriminating material coming forth which would necessitate the custodial interrogation of the petitioner in the instance case at this stage wherein as an admitted fact of the prosecution itself that the petitioner has paid an amount of Rs.80 lac to the co-accused

Manpreet Singh who impersonated one person in the name of his father Surinder Pal Singh and there is no act of omission.

7. In the light of aforesaid facts and circumstances, the petition deserves to be accepted. Hence, the petitioner is directed to be released on anticipatory bail subject to joining the investigation within a period of 7 days from today, on his furnishing personal/security bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C. However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within 7 days, the order granting the anticipatory bail shall automatically stands cancelled.

8. The petition in the aforesaid terms is allowed.

4th July, 2024
reema

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No