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

**CRM No. 7835 of 2024 in/and
CRM-M No. 34676 of 2023 (O&M)
Date of Decision: 20.02.2024**

Nirmal Singh Petitioner
Versus
State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Sudhir Rana, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. Deputy Advocate General, Punjab

Mr. Krishan Sehajpal, Advocate
for the complainant.

HARKESH MANUJA, J. (ORAL)

CRM-7835-2024

Application is **allowed**, as prayed for, subject to all just exceptions. The complaint / representation dated 27.12.2023 and order dated 31.01.2024 passed by this Court are taken on record as Annexures A-1 & A-2 respectively.

Registry to do the needful.

MAIN CASE

The petitioner, by way of present petition filed under Section 438 Cr.P.C., prays for grant of pre-arrest bail in case FIR No. 69, dated 03.06.2023, under Sections 406, 419, 420, 465, 467, 468 & 120-B of IPC, registered at Police Station Mullanpur, District SAS Nagar (Mohali).

[2] As per allegations, the petitioner in connivance with the other

co-accused hatched a conspiracy and defrauded the complainant by entering into an agreement to sell *qua* the land in dispute by projecting one Dalvir Singh as the owner of the property, impersonating him as Balvir Singh who happened to be the real owner.

[3] Learned counsel for the petitioner submits that the petitioner was never part of the conspiracy, neither forged any document nor he impersonated himself as the owner of the property. He also submits that the entire transaction was in cash and thus the same was wholly illegal besides it, he further submits that the agreement in question was got cancelled by the complainant himself and the complaint was given after three days. He also alleges that the Investigating Agency falsely implicated the petitioner in one another case of similar nature, wherein he has already been granted the concession of anticipatory bail and there are no civil proceedings initiated at the instance of the present complainant as regards the dispute in question. It has also been pointed out that the petitioner has already joined the investigation.

[4] On the other hand, learned State Counsel assisted by learned counsel for the complainant, vehemently opposes the prayer made herein, while submitting that the petitioner is the kingpin of the entire conspiracy, who is even seen in the CCTV Footage at the relevant point of time, when the cash was being handed over by the complainant to the accused against the alleged crime in question. Learned State Counsel also informs that the petitioner is involved in two other FIRs of similar nature and thus, prays for dismissal of petition.

[5] After hearing learned counsel for the parties and gone through the paper-book, I am unable to find substance in submissions made on behalf of the petitioner.

[6] A perusal of the evidence collected by the prosecution clearly reflects the involvement of the petitioner, besides the concerted effort of all the accused who defrauded the complainant for a sum of Rs. 30 lakhs by projecting one Dalvir Singh to be the owner of property, impersonating him as Balbir Singh, who happened to be the original owner. The amount in question was received by the accused from the complainant collectively, as reflected from the CCTV Footage and pointed out by the learned State Counsel. Moreover, the antecedents of the petitioner are also against him as he is involved in two more cases of similar nature i.e. FIR No. 132, dated 09.12.2022, P.S. Mullanpur, Garibdass, District SAS Nagar and FIR No. 55 of 2019 P.S. Badali, District Fatehgarh Sahib. Considering the totality of the facts and circumstances, besides the nature of the allegations and the offence, the custodial interrogation of the petitioner is necessary. As such, I do not deem it fit to grant the concession of pre-arrest bail to the petitioner.

[7] Accordingly, finding no merit in the present petition, the same is hereby **dismissed**.

February 20, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No