



CRM-M-39930-2024

-1-

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

CRM-M-39930-2024

Date of Decision: 25.09.2024

Harpal Singh

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Amrik Singh, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Supneet Singh, Advocate, for respondent No.2.

Rajesh Bhardwaj, J.

1. The petitioner has approached this Court praying for granting him anticipatory bail in a case FIR No.34, dated 25.05.2024, registered under Sections 420, 120-B IPC, at Police Station Block Majari, District SAS Nagar, Mohali.

2. Succinctly, the facts of the case are that the complainant, namely, Gagandeep Singh lodged a complaint with the Police, wherein, it was alleged that Jaspreet Singh son of Harpal Singh was known to him, who told the complainant that they have their ancestral land measuring 8 Kanals 6 Marlas in the name of his mother Jarnail Kaur and wanted to sell the same. Thus, the above land was shown to the complainant by Jaspreet Singh. Resultantly, the complainant entered into an agreement with Jaspreet Singh and Harpal Singh (petitioner) for purchasing the said land @ Rs.50 lacs per acre. On 05.04.2016, the complainant gave a cheque No.003450 amounting to Rs.50,000/- and Rs.14,50,000/- in cash to Jarnail Kaur and her husband Harpal Singh. Receipt regarding the same was signed by Jarnail Kaur and Harpal Singh and both of them consented on the same. On 11.09.2016, the



CRM-M-39930-2024

-2-

complainant gave Rs.50,000/- through a cheque No.000014 in the name of Harpal Singh and Rs.1,50,000/- in cash to Jarnail Kaur and both Harpal Singh and Jaspreet Singh gave their consent. It was further alleged that on 03.11.2016, the complainant gave Rs.8,00,000/- in cash to Harpal Singh and on 30.06.2017, he gave another Rs.4,00,000/- in cash to Jarnail Kaur, receipt of the same was signed by Jarnail Kaur and Harpal Singh. Thereafter, on 25.06.2017, the complainant gave a Tractor amounting to Rs.5,00,000/- to them, receipt of which was signed by Jarnail Kaur. On 25.07.2017, the complainant entered into an agreement to sell and remaining sale consideration of Rs.16,50,000/- was given in cash. Jarnail Kaur put her signature as seller whereas, Jaspreet Singh and Harpal Singh put their consent signature on the same. It was alleged that regarding this land Jarnail Kaur had filed a civil suit against her brothers, which was decreed and the appeal filed against the same, was dismissed by the First Appellate Court. The order of First Appellate Court was assailed by way of filing RSA before this Court. After entering into agreement with the complainant, Jarnail Kaur gave power of attorney in favour of the complainant, however, later on the said power of attorney was cancelled by Jarnail Kaur in connivance with her brothers and RSA filed before this Court was withdrawn. Thus, it was alleged that the complainant has been cheated by Jarnail Kaur and Harpal Singh after getting Rs.50 lacs from him. On the basis of the complaint lodged, the FIR was registered and investigation commenced. Apprehending arrest, petitioner Harpal Singh and his wife Jarnail Kaur approached the Court of learned Additional Sessions Judge, SAS Nagar for grant of anticipatory bail, however, after hearing both the sides, finding no merit in



CRM-M-39930-2024

-3-

the same, learned Court declined the same vide its order dated 10.07.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that co-accused Jarnail Kaur is the wife of the petitioner and it is on account of the same, the petitioner has been implicated in the present case. It is submitted that the main allegations are against his wife Jarnail Kaur, who was arrested and granted bail by the Court. He has submitted that the complainant was known to the petitioner and his wife and this Court has passed order in favour of the brothers of Jarnail Kaur and hence, he took attorney from the wife of the petitioner to pursue the case. He submits that Jarnail Kaur signed blank papers believing the complainant, however, he misused the same and thus, falsely implicated the petitioner in the present case. It has been submitted that as per the power of attorney given to the complainant by the wife of the petitioner, it was for 4 Kanals 6¼ Marlas, but it was claimed by the complainant that he has paid Rs.50 lacs to the wife of the petitioner and thus, it is apparent that he has concealed the real facts. He submits that the petitioner has no land in his name, but despite that he has been arrayed as an accused only to pressurize the family to surrender their land. He submits that the petitioner had not taken any amount through cash or cheque and the allegations made are totally false and frivolous. He submits that no *prima facie* case as alleged is made out against the petitioner in the facts and circumstances of the case and thus, the petitioner deserves to be granted anticipatory bail.



CRM-M-39930-2024

-4-

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that there are specific allegations made by the complainant against the petitioner. It is submitted that the petitioner has not only played an active role in deceiving the complainant after entering into agreement and receiving Rs.50 lacs from him, but he has taken Rs.10 lacs from the complainant. It is submitted that Jarnail Kaur is none other than the wife of the petitioner and the petitioner in conspiracy with his wife had cheated the complainant. He submits that the investigation is at threshold and granting anticipatory bail to the petitioner would scuttle the on going investigation.

5. Learned counsel for respondent No.2 has equally opposed the submissions made by counsel for the petitioner. He has submitted that the complainant has been cheated by Jarnail Kaur in connivance with her husband i.e. the petitioner. He thus submits that granting anticipatory bail to the petitioner would seriously prejudice the on going investigation.

6. Heard.

7. On 06.09.2024, this Court after hearing learned counsel for the parties, referred the case to the Mediation and Conciliation Centre of this Court for providing them an opportunity for exploring the possibility of amicable settlement. However, the same remained unsuccessful. It is deciphered from the facts and circumstances of the case that the complainant had levelled specific allegations against the petitioner and his wife. The complainant entered into an agreement with the wife of the petitioner, wherein, the complainant has also transferred the part of the consideration amount. Civil litigation was initiated by the wife of the petitioner and the



CRM-M-39930-2024

-5-

same reached upto this Court. Though power of attorney was given by the wife of the petitioner after entering into the agreement, but the same was lateron cancelled and the case was withdrawn before this Court. Wife of the petitioner after having the anticipatory bail dismissed, was arrested but lateron has been granted regular bail. The case of the petitioner is not distinguishable from the co-accused i.e. his wife.

8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

09. Hon'ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of

accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

25.09.2024			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/Nos