

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-58016-2023
Reserved on: 23.01.2024
Pronounced on: 25.01.2024
2024: PHHC: 010620

GAGANDEEP SINGH @ GAGAN Petitioner
Vs.
STATE OF PUNJAB Respondent

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr J.S. Bhinder, Advocate, for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 CrPC is to grant regular bail in case FIR No.199 dated 08.07.2023 (Annexure P1) registered at Police Station Zirakpur, District SAS Nagar, Mohali, under Sections 415/419/420/467/468/471 read with Section 120B IPC.

2. Status report dated 09.01.2024 by way of affidavit of Gursher Singh Sandhu, Deputy Superintendent of Police (Investigation), District SAG Nagar has been filed on behalf of the respondent/State.

3. FIR has been lodged on the complaint of Jiwan Lal, a partner in the firm M/s Manglam Infra, having its office at Village Dayalpura, Zirakpur, District SAS Nagar. The firm has four more partners. Pardeep Kumar Garg, a property dealer, contacted the complainant and told about availability of 7350 sq. yard of agricultural land for sale in village Chhat. Gagandeep Singh @ Gagan (petitioner herein) introduced himself as Raju and showed documents of the land to Pardeep Kumar Garg, stating that the land was in the name of his real uncles Surinder Singh, Harmeet Singh sons of Hari Singh and Jagdish Dara wife of Surinder

Singh. He further showed email, as per which power of attorney shall be sent in the name of one Jaswant Singh. On the basis of this email, Jaswant Singh had been authorised to finalize the deal. On 17.05.2023, petitioner (Gagandeep Singh @ Gagan) sent PAN card, Aadhar card and bank account details of Jaswant Singh from his mobile. An agreement to sell the property was entered into and M/s Manglam Infra transferred an amount of ₹50 lakh in the Axis Bank account of Jaswant Singh; the attorney holder. Another amount of ₹20 lakh was transferred on 21.06.2023. Later on, when the power of attorney was checked, it was found to be a forged document. Thus, the petitioner along with co-accused Jaswant Singh had cheated the complainant party to the tune of ₹70 lakh.

4. During investigation, necessary record was collected. The copies of the forged power of attorney were obtained. During interrogation, petitioner as well as co-accused Jaswant Singh admitted the factum of cheating to the complainant to the tune of ₹1 crore, out of which ₹70 lakh was transferred in the account of Jaswant Singh; ₹20 lakh was received in cash; and ₹10 lakh was received in cash as earnest money on the pretext of selling the aforesaid land by showing the complainant a fake and forged power of attorney of Surinder Singh. They also disclosed the involvement of Talvinder Kumar @ Ghoni in the commission of crime, who was accordingly nominated in the crime. Talvinder Kumar @ Ghoni was arrested on 09.07.2023 and during interrogation, he confirmed the involvement of the petitioner and that an amount of ₹4,50,000/- was paid to one Bakshish Singh for preparing the forged power of attorney. It was further found during investigation that the accused had distributed the amount of ₹1 crore and that an amount of ₹48 lakh was given to the petitioner, ₹24 lakh was received by the co-accused Jaswant Singh and ₹18 lakh was given

to Talvinder Kumar @ Ghoni. ₹10 lakh was used for preparation of the forged power of attorney.

5. It is contended by Id. Counsel that petitioner has been falsely implicated; that amount of ₹70 Lacs was deposited in the account of Jaswant Singh; that there is a delay of two months in lodging the FIR; that co-accused Jaswant Singh and Talvinder Kumar @ Ghoni have already been allowed bail vide orders dated 19.09.2023 (Annexure P2) and 11.10.2023 (AnnexureP3) respectively, passed by the court of Ld. ASJ, SAS Nagar; that trial may take time to conclude and so, in all these circumstances, petitioner be allowed regular bail.

6. Ld. State counsel has opposed the bail petition by pointing out that representation to the complainant was made by the petitioner, who is the mastermind of the crime. However, it is not disputed that co-accused Jaswant Singh, in whose account amount of ₹70 lakh was transferred, has already been granted bail. Petitioner is in custody for the last 6 months and 11 days, as per the custody certificate. Challan has already been filed after conclusion of investigation. Even the charges have not been framed so far and thus, trial may take long time to conclude.

7. Having regard to all the facts and circumstances, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

25.01.2024

Vivek

(DEEPAK GUPTA)
JUDGE

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes
No