



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

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CRM-M-64471-2024

Date of decision: 19.12.2024

Yadwinder Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Prateek Pandit, Advocate, for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 is for granting the concession of anticipatory bail to the petitioner in case FIR No.269 dated 14.11.2024 under Sections 420, 406, 34 of the IPC registered at Police Station Rama Mandi, District Jalandhar.

2, Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that the petitioner has no connection with the sale deed in question except for acting as a marginal witness to its execution. Learned counsel further highlights that the FIR in question annexed as Annexure P-1 was lodged on 24.09.2024, after an inordinate and unexplained delay of eight years from the date of execution of the sale date, i.e. 23.09.2016. It is argued that the dispute, if any, is of a purely civil nature and has been deliberately twisted to give it a criminal complexion.

3. Furthermore, it is submitted that the complainant does not even have the *locus standi* to file the FIR, as he was not a party to the sale



deed. Learned counsel also contends that the case of the prosecution is entirely based on documentary evidence and, no recovery is to be made from the petitioner. The petitioner is willing to cooperate with the investigation, and in the light of these submissions, it is prayed that the petitioner be extended the concession of anticipatory bail.

4. Notice of motion.

5. At the asking of the Court, Mr.H.S.Deol, Sr.DAG, Punjab, accepts notice on behalf of the respondent-State.

6. Mr.Suneet Pal Singh Aulakh, Advocate has entered appearance on behalf of the complainant and filed his memo of appearance which is taken on record.

7. Learned State counsel, while opposing the prayer and submissions made by the counsel opposite has, on instructions, submitted that the petitioner is the prime accused in the present case, it is alleged that the petitioner, a property dealer, has a history of engaging in fraudulent land transactions as evidenced by his involvement in two other criminal cases of a similar nature. Learned State Counsel, on instructions, contends that the petitioner colluded with the other co-accused to defraud the complainant's sister, an NRI, by selling her the property in question, that had already been sold to another person. It is further alleged that the petitioner misled the sister of the complainant into purchasing the property, despite being fully aware of its prior sale. The complainant, acting as the power of attorney holder for his sister, was thus, defrauded in this transaction. Learned counsel also points to a compromise dated 12.08.2024



allegedly entered into by the petitioner, wherein he assured the repayment of Rs.24,00,000/- (sale consideration) to the complainant. However, as the petitioner failed to honour this assurance, the present FIR was registered. The learned State Counsel contends that the delay in filing the FIR is explained as arising from the failed assurances given by the petitioner and subsequent non adherence to the compromise.

8. Upon consideration of the material placed on record and after hearing the submissions of the parties, *prima facie* there are serious allegations against the petitioner, including his alleged role in defrauding an NRI, coupled with his involvement in similar criminal cases. Furthermore, the allegations are not confined to the role of the petitioner as a marginal witness but also extend to him being the prime mover in a fraudulent transaction. Given the gravity of the allegations, the past conduct of the petitioner, and his alleged involvement in similar cases, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

9. Accordingly, the instant petition is hereby dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 19, 2024
poonam

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No