

Sohan Lal vs. State of Punjab

**IN THE COURT OF SHRI AVTAR SINGH BARDA,
ADDITIONAL SESSIONS JUDGE, SAS NAGAR,
UID NO.PB-0159**

Bail application No. 12/18/12/19/19.12.19
CNR no. PBSA010113662019
Computer Generated No.BA-3020-2019
Date of order: 26.12.2019

Sohan Lal, aged about 60 years, son of Devi Nath, r/o village Choti
Karoran, Naya Gaon, Distt.SAS Nagar

...Accused/applicant

Versus

State of Punjab

Respondent

FIR no. 103 dated 14.12.2019
under Section 420 IPC
PS Naya Gaon

BAIL APPLICATION U/S 438 OF THE CRPC

Present: Sh. Kharak Singh Advocate, counsel for bail applicant
Sh. Satnam Singh, Addl. PP for State alongwith
Sh. C.S.Bakshi Advocate, counsel for complainant

File put up before me being duty judge during winter
vacation. Sh. C.S.Bakshi Advocate also appeared on behalf of
complainant and also placed on file his power of attorney.

2. Heard on the bail application and record perused carefully. As
per version of accused-applicant, he has been falsely implicated in the
present case at the instance of complainant. Further, it has been averred in

the application that accused-applicant sold plot to complainant on 22.3.2010 through registered sale deed and possession was also delivered and mutation was sanctioned in favour of complainant and her name was reflected in the revenue record. Further, it has been averred that accused applicant was owner in possession at the time of sale and complainant after satisfying his ownership and possession, agreed to purchase the same from him and he has not committed any fraud with the complainant.

3. On the other hand, it has been hotly argued by learned Addl.PP for State that the accused applicant does not deserve any concession of bail because he has not approached the court with clean hands. Further, he has submitted that at the time of execution of above mentioned sale deed dated 22.3.2010, he was not the owner of said land as alleged by him rather he executed that sale deed in the capacity of General Power of Attorney and the actual owner was Dhian Singh as per the sale deed. Further, it has been argued that power of attorney executed by Dhian Singh, the real owner dated 12.12.2005 in favour of accused applicant was in respect of some other land but the sale deed in question was executed in respect of some other land and in that way cheated the complainant and in order to support his argument, learned Addl. PP for State has drawn the attention of this court towards agreement dated 20.10.2019 got executed in between complainant and accused which is on the police file, as per which accused applicant admitted that he will return the amount of Rs. 18 lakhs in respect of plot of 8 marlas to the

complainant through nine cheques within six months. He further admitted that the cheques would not bounce and he will give his plot as security. Further, learned Addl.PP for State submitted that till date no such amount as agreed through agreement dated 20.10.2019 duly signed by accused applicant, has been given to the complainant and in last, he prayed for dismissal of application.

4. On the other hand, it has been vehemently argued by learned counsel for accused-applicant that accused-applicant committed no such fraud or forgery as alleged by the prosecution rather he has been falsely implicated in the instance case and he prayed for allowing the application in hand.

5. After hearing arguments submitted by learned Addl.PP for State as well as that of learned defence counsel and going through the police record, it is crystal clear that investigation of this case is still in progress and admittedly, a sale deed has been got executed by accused-applicant in favour of complainant on 22.3.2010 whereby, the accused-applicant mentioned himself as attorney of Dhian Singh, whereas, in the instant application he mentioned him as owner in possession at the time of plot in question, the subject matter of sale deed dated 22.3.2010. Apart from that huge amount is involved which is yet to be recovered and the custodial interrogation of accused-applicant may be required for the purpose of further investigation and as well as for effecting recovery of the amount involved. Accordingly, keeping in view all these facts and

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circumstances, the application in hand carries no weight in it and same is ,hereby, declined. Police record be returned to the concerned Police official/Naib court of the court against proper receipt . File be consigned to Record Room.

Pronounced: 26.12.2019

Jyotsna
Stenographer I

Directly dictated

(Avtar Singh Barda)
Additional Sessions Judge,
SAS Nagar (Mohali) (duty)
UID NO. PB0159

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Present: Sh. Kharak Singh Advocate, counsel for bail applicant
Sh. Satnam Singh, Addl. PP for State alongwith
Sh. C.S.Bakshi Advocate, counsel for complainant

File put up before me being duty judge during winter vacation. Police record received. Sh. C.S.Bakshi Advocate has filed power of attorney on behalf of complainant. Arguments Heard. Vide my separate detailed order of even date, the bail application stands declined.

Police record be returned to the concerned Police official/Naib court of the court against proper receipt . File be consigned to Record Room.

Pronounced: 26.12.2019

Jyotsna
Stenographer I

(Avtar Singh Barda)
Additional Sessions Judge,
SAS Nagar (Mohali) (Duty)
UID NO. PB0159