

BA301 Malkiat Singh Vs.State
(CNR No.PBHO010008252023)

Present: Sh.Gobind Jaswal, Advocate, counsel for the bail applicant/accused.
Sh.Pawanpreet Singh, Addl.Public Prosecutor for the respondent State
Sh.Naveen Jairth, Advocate, counsel for the complainant.

This application under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail was filed by bail applicant/accused Malkit Singh on 31.01.2023. Upon notice, the respondent State appeared and contested the bail application. Sh.Naveen Jairth, Advocate has appeared on behalf of the complainant and filed power of attorney to assist the respondent State. Police record has been produced by HC Sita Ram.

Arguments heard. Record perused. In this case, FIR under Sections 420, 406 of Indian Penal Code has been registered on the basis of application filed by complainant Gurnam Singh with the Senior Superintendent of Police, Gurdaspur on 02.01.2023. The application was transferred to the Senior Superintendent of Police, Hoshiarpur and thereupon inquiry was conducted by DSP, Sub Division, Dasuya. As per the allegations, bail applicant/accused Malkit Singh told the complainant that his relative Hira Lal is having three kanals land at Urmur Tanda and they can purchase the same in joint name. On his promise, the deal was struck to purchase the land for ₹99,50,000/-. Agreement was executed by Hira Lal in favour of Malkit Singh and complainant Gurnam Singh became attesting witness thereof as being in government service he could not enter into agreement. ₹10,00,000/- were paid as earnest money. Further ₹30,000/- were paid to Hira Lal. Sale deed was to be executed upto 09.03.2020. But the sale deed was not executed. Thereby complainant has been cheated to the tune of ₹10,30,000/- by Malkit Singh and Hira Lal. When they were approached, bail applicant/accused Malkit Singh

issued cheque dated 03.04.2022 of ₹5,00,000/- and Hira Lal issued cheque dated 03.04.2022 of ₹5,00,000/- in favour of the complainant. But the same were dishonoured on presentation with the drawee bank and thereby the accused has cheated the complainant to the tune of ₹10,30,000/-. After registration of the FIR, investigation of the case is being conducted.

Through the present application, pre-arrest bail has been sought by the bail applicant/accused on the grounds that false allegations have been levelled against him; agreement to sell dated 10.01.2019 was executed and sale deed was to be executed upto 09.10.2019, but due to some defect in the property, agreement was cancelled on 24.05.2019 and earnest money of ₹Five Lakh was returned by the seller to Gurnam Singh through Hira Lal, thereafter the complainant forged signatures of the bail applicant/accused and prepared endorsement on back of agreement for extending date of execution of sale deed from 09.10.2019 to 09.03.2020; a false story has been concocted by the complainant; no fraud has been played with the complainant; nothing is to be recovered from the bail applicant/accused and he is ready to join the investigation. However, these allegations have been denied by the respondent State.

Perusal of the police record reveals that as per the allegations, agreement to sell dated 10.03.2019 was executed whereby accused Hira Lal had agreed to sell the land in question in favour of bail applicant/accused Malkit Singh for ₹99,50,000/- and earnest money of ₹Ten Lakh was paid. Complainant Gurnam Singh had attested the agreement. Vide endorsement dated 24.05.2019, the date of execution of sale deed was extended upto 09.03.2020. As per the allegations, amount of ₹Five Lakh was paid by the complainant to the bail applicant/accused and

₹5,30,000/- to Hira Lal. When sale deed was not executed as per the agreement, bail applicant accused and Hira Lal issued two cheques of ₹Five Lakh each in favour of the complainant. But the same were dis-honoured by the drawee bank. Allegations against the bail applicant/accused and co-accused are of cheating the complainant to the tune of ₹10,30,000/-. Allegations against the bail applicant/accused are of grave and serious nature. The bail applicant/accused is required for custodial investigation. So, keeping in view the seriousness and gravity of the allegations, no ground is made out to extend him the benefit of pre-arrest bail. Therefore, this bail application is dismissed. Police record be returned. This file be consigned to the record room.

Pronounced in open Court on:
02.02.2023
Suresh Sood, Stenographer

(Dilbagh Singh Johal)
Sessions Judge, Hoshiarpur.
(UID No.PB0069)