

In the court of Sh.Virinder Aggarwal
Sessions Judge, Barnala.
(Unique Identification No.PB0045)

CNR No.PBBR01-000864-2022
CIS No.BA/300/2022
Date of Order.....24.03.2022

Karnail Singh son of Randhir Singh resident of village Thulliwal, District Barnala.

...Applicant/accused

Versus

State of Punjab

Application for bail U/s.438 of Code of Criminal Procedure

FIR No.09 dated 26.02.2022
Police Station : Thulliwal
Under Section : 420,120-B of IPC

Present: Sh.Sumit Goyal Advocate for Sh.Dhiraj Kumar Advocate
counsel for applicant/accused
Sh.Vikas Garg Addl.Public Prosecutor for State.
Sh.Rajesh Mittal Advocate counsel for complainant.

ORDER

1. The applicant has filed the instant application for pre-arrest bail U/s.438 of CrPC in the above noted FIR, on the ground that applicant is innocent and has been falsely implicated in this case. The applicant has not cheated any person. From the averments of FIR, no offence U/s.420 IPC is made out and it is purely civil matter and nothing is to be recovered from applicant and his custodial interrogation is not required. The applicant is ready to join investigation. Hence, it is prayed that the application be

allowed and applicant be given the concession of pre-arrest bail.

2. Notice of bail application was issued to State and Sh.Vikas Garg Addl.Public Prosecutor put in appearance on behalf of State. Sh.Rajesh Mittal Advocate has appeared on behalf of complainant. Record has also been requisitioned. As per report of Ahlmad, there is no bail application pending or decided qua the case of applicant by the Hon'ble High Court.

3. I have heard arguments of counsel for applicant and learned Addl.Public Prosecutor for State and have gone through the record.

4. Case has been registered against the applicant and others that co-accused Labh Kaur has entered into an agreement to sell 16 bighas of land at rate of Rs.3,03,000/- per bigha and she received Rs.20 lakh as earnest money on 09.08.2019 and she subsequently received Rs.3,00,000/- on 30.11.2020 and Rs.3,00,000/- on 18.08.2019, Rs.3,00,000/- on 16.06.2020 through pronote and receipt-pronote. She failed to report at the office of Sub Registrar on the stipulated date. Later on complainant came to know that she has mortgaged the land to some other person and has defrauded him of Rs.29 lakh.

5. Learned counsel for applicant has argued that the applicant has no connection with the land in question and has not entered into an agreement to sell with complainant and has not taken money from party. Rather, he has simply borrowed sum of Rs.3 lakh from complainant and has returned Rs.2

lakh out of that amount, whereas Addl.Public Prosecutor submitted that accused alongwith Labh Kaur, Sukhpal Singh and Kulwant Singh have formed a gang and are indulged in cheating innocent persons of huge amount. So, bail application of applicant be dismissed.

6. As per record, earlier also case U/s.420,120-B of IPC was registered vide FIR No.95 of 16.07.2018 against applicant and Labh Kaur for entering into agreement to sell the same land for sale consideration of Rs.16,50,000/- per acre and have allegedly received Rs.29 lakh from complainant party. In the present case also, accused have duped complainant of Rs.29 lakh on the pretext of entering into agreement to sell the land. The co-accused of applicant have been held guilty and convicted for commission of offences punishable U/s.419,420,467,468,120-B of IPC in FIR No.40 of 08.07.2015 registered at P.S. Dhanoula vide judgment dated 22.08.2019 in Criminal Challan No.CNR No.PBBR03-001104-2015 and co-accused Kulwant Singh was held guilty and convicted and sentenced as he impersonated himself as Tejinder Singh and executed mortgage deed in favour of complainant Charanjit Singh and Manjit Kaur. In the present case since allegations against the applicant and co-accused are that they got struck a deal with complainant party for sale of 16 bighas of land for consideration of Rs.3,03,000/- per bigha and had obtained Rs.29 lakh and previous case regarding same land with regard to cheating another complainant is registered against applicant and his mother-in-law, in such

circumstances I am of the considered opinion that it is not the case where applicant deserve to be released on pre-arrest bail as his custodial interrogation is required in order to unearth the complete controversy and in case applicant is released on anticipatory bail, it will leave many loose ends in investigation of the case causing unfair disadvantage to prosecution. Finding no merit in the application for bail, same is hereby dismissed. Bail papers be consigned to record room.

Announced.

Dated:24.03.2022

J.Sharma/JW-I

(Virinder Aggarwal)
Sessions Judge, Barnala
(PB0045)

Kulwant Singh vs State.

Present: Sh.Sumit Goyal Advocate for Sh.Dhiraj Kumar Advocate
counsel for applicant/accused
Sh.Vikas Garg Addl.Public Prosecutor for State.
Sh.Rajesh Mittal Advocate counsel for complainant.

Record received. Arguments have been heard. Vide separate
order of even date, application for bail is hereby dismissed, as stated
therein. Bail papers be consigned to record room.

Dated:24.03.2022
J.Sharma/JW-I

(Virinder Aggarwal)
Sessions Judge, Barnala
(PB0045)