

*In the Court of Sh. Amar Paul,
Addl. Sessions Judge,
Gurdaspur.
UID No.PB0450.*

Bail Application No. 851 of 23.09.2021

Date of Order 13.10.2021

CNR No. PBGD01-006439-2021 CIS No. BA-3078-2021

Rajinder Kaur wife of Rattan Singh, age 60 years, resident of village
Sahnewali, Tehsil and District Amritsar.

.... Applicant.

Versus

State of Punjab.

... Respondent.

FIR No. 66 dated 21.05.2021

U/Ss 420,120-B IPC

Police Station City Batala, Police District Batala.

First Bail Application U/S 438 Cr.P.C.

Present: Sh. Sumeet Narang, Advocate, for applicant.

Sh. Vikram Kashyap, Additional PP for the State.

ORDER

1. Applicant has sought anticipatory bail under section 438
Cr.P.C. on the ground that she has been falsely implicated in this case.
Non Applicant is one of the co-purchaser of the alleged agreement to sell

dated 27.04.2018. The case is of breach of agreement which is of civil nature. Nothing is required to be recovered from the applicant and she is ready to join the investigation by cooperating the police and prayed for bail.

2. Notice of the bail application was given to the Addl.PP for the State who opposed the bail application and prayed for dismissal of the same.

3. Police record was called which has been received and perused.

4. Heard. Considered. In this case FIR has been registered on dated 21.05.2021 against the applicant and non applicants after inquiry by the police on the complaint of complainant Gurbir Singh on the brief contents that complainant entered into agreement to sell dated 27.04.2018 to purchase the plot no.17 of 250 square yard in the area of Batala from Rajinder Kaur for Rs. 40,00,000/-. In the plot half share as purchaser was agreed in favour of Dilbagh Singh. The complainant gave total Rs. 20,00,000/- to Rajinder Kaur as earnest money in the presence of witnesses. Rajinder Kaur agreed to execute the sale deed of the plot till dated 27.09.2018, but despite repeated asking by the complainant, Rajinder Kaur did not execute sale deed nor she returned his amount. The complainant further alleged that the amount of the earnest money for the share of Dilbagh Singh was paid by the complainant in lieu of which Dilbagh Singh had given to him two cheques bearing no. 024852 dated

09.02.2021 and 000010 dated 12.02.2021 of his son Shamsher Singh and same were dishonoured. The complainant also came to know that Rajinder Kaur is close relative of Dilbagh Singh and applicant alongwith non-applicants have committed fraud with him. Accordingly, complainant requested for return of his amount and for taking action against Rajinder Kaur, Dilbagh Singh and Shamsher Singh and accordingly, after inquiry by the police, police registered the FIR against the applicants and non applicants.

5. In this case applicant and non applicants have fraudulently received Rs. 20,00,000/- from the complainant, but Rajinder Kaur who is relative of the non-applicant Dllbagh Singh in connivance with the non-applicants has not executed the sale deed as per agreement in favour of the complainant nor returned Rs. 20,00,000/- of the complainant. For effecting recovery of Rs. 20,00,000/- police interrogation of the applicant is required, otherwise without police interrogation recovery of Rs.20,00,000/- cannot be effected. Huge amount of Rs. 20,00,000/- is involved in this case and accordingly nature of the offence is grave and serious one. Moreover, Additional PP for the State has specifically alleged that the complainant is still receiving extending threats at the hand of the applicant. If it is so, then there is every possibility of tampering with prosecution witnesses if applicant is released on bail. Hence, bail application of the applicant being without merit is ordered to be dismissed. Police record be returned. Bail application file be consigned to

the record room.

Pronounced in open court

Dated: 13.10.2021

Shiv Kumar Stenographer Gr.1

(Amar Paul),
Addl. Sessions Judge,
Gurdaspur. UID No. PB0450.