

IN THE COURT OF SH. GURMOHAN SINGH,
ADDITIONAL SESSIONS JUDGE,
FEROZEPUR.
(UID NO.PB-0573)

Bail Application No. 209 of 1-7-2019.

CNR No.PBFZ010027632019

CIS No. BA-1055/2019.

Date of decision: 22-7-2019

Daljit Singh Sandhu son of Balwant Singh Sandhu, aged 26 years,
resident of village Behak Gujran, P.S.Sadar, Zira, District Ferozepur.
Adhar Card NO.4049 5198 6150. -----Applicantsaccused

Versus

State of Punjab

-----Respondent.

Anticipatory bail under section 438(i) Cr.P.C.

Present: Sh. G.S.Gill, counsel for the accused/applicant
Sh. APS Brar, Additional Public Prosecutor for State

ORDER

1. The present bail application filed by the applicant namely, Daljit Singh Sandhu, under section 438(i) Cr.PC in case FIR no.47 dated 26.2.2018 under Section 420,120-B IPC, registered at Police Station Zira.
2. Brief facts of the case as per FIR is that Balwant Singh son of Hazara Singh entered into an agreement to sell 5 kanal 15 marlas of

land with the complainant Satnam Singh and Gurbax Singh, but he got the sale deed executed in favour of his sons Sukhjinder Singh and Daljit Singh of some other land without giving any sale consideration, although the agreement to sell was of different numbers pertaining to 5 kanal 15 marlas. On their asking for return of the earnest money he has been threatening them with life and he has filed a suit for specific performance. Thus, the present FIR has been registered and apprehending his arrest accused/ applicant has filed the present bail application.

3. Notice of the bail application has been issued to the State. Learned Additional Public Prosecutor for the State has appeared. Record has been produced.

4. Counsel for the applicant submits that a false case has been registered against the accused/applicant due to political pressure. The alleged occurrence is dated 21.12.2012 and the present FIR has been registered on 26.2.2018 and there is unexplained delay of six years. Further submits that complainant Satnam Singh, Gurbaksh Singh executed an agreement in favour of the father of the accused/ applicant and when the stipulated date came, sale deed was executed

by complainant in favour of Sukhjinder Singh and Daljit Singh. The sale consideration was not handed over to the applicant and father of the applicant filed a civil suit for specific performance against the complainant Satnam Singh and Gurbaksh Singh and in the said suit alternative relief for recovery was granted by the court of Sh.Pushpinder Singh, Civil Judge, Senior Division, Zira on 3.7.2017. Further submits that feeling aggrieved against the said order complainant filed civil suit in the court of District Judge Ferozepur and the same was decided by the court of Sh.Gurnam Singh, ADJ Ferozepur vide order dated 11.4.2019 and the said appeal was dismissed. Further submits that the matter is of civil nature and same has been given the colour of the present FIR. Further submits that the bail application of co accused has been decided by the court of Ms.Harinder Kaur Sidhu, ADJ, Ferozepur on 28.3.2018. Further submits that applicant/accused is ready to join the investigation and thus prays that the present bail application be allowed.

5. Learned Additional Public Prosecutor for the State submits that the bail applicant alongwith his father Balwant Singh has cheated the complainant and hence a lenient view may not be taken.

6. After hearing learned counsel for the applicants and learned Additional Public Prosecutor for the State and perusal of the police file, it reflects that it is the case of the complainant Satnam Singh and Gurbux Singh that they had entered into an agreement to sell of 5 kanal 15 marlas being 115/148 share of land measuring 7 kanal 8 marlas khewat No.159 159, Khatoni No. 213 on 14-12-2012 and the date fixed for execution of the sale deed was on or before 10-1-2013, but on 20-12-2012; the said Balwant Singh approached the complainant and told him that he was ready to get the sale deed executed in his favour on payment of a balance sale consideration. Accordingly sale deed was executed in favour of the Daljit Singh Singh bail applicant and Sukhjinder Pal Singh the other son of the complainant of different numbers which were of a superior quality then that of the land measuring 5 kanal 15 marlas thus cheating the complainant. Thus, from the facts of the case, it appears to be a dispute of civil nature. The bail applicant has brought on record the copies of the judgments of the civil court where suit for specific performance filed by the father of the bail applicant had been decreed and suit for declaration challenging the sale deed in favour of the bail applicant has

been dismissed. Hence, keeping in view the fact that the dispute between the parties is of a civil nature and based on document, at this stage, it would suffice, if the bail applicant joined the investigation. Accordingly, the accused/ applicant is directed to join the investigation before Investigating Officer/SHO on 26-7-2019 at 11-00AM and in the event of his arrest he shall be admitted to the interim bail to the satisfaction of the investigation officer, with the following conditions :-

- (i) the applicant shall make himself available as and when required by the Investigating Officer
- (ii). the applicant shall not induce/threat any of the prosecution witness or tamper with the evidence in any manner,
- (iii) the applicant shall not leave India without prior permission of this court.

7. The Investigating Officer is directed to submit his report on 29-7-2019.

Pronounced in the open court
Date of Order:22-7-2019.
'Satish Kumar'
Stenographer Grade-I

Sd/-
(Gurmohan Singh)
Additional Sessions Judge,
Ferozepur
(UID No.PB-0573)