

In the court of D.P. Singla,
Additional Sessions Judge
Patiala (PB0083)

CIS No. BA/1013/2018/3.5.2018
CNR No.PBPT0100-4684-2018
Date of Decision:15.5.2018

Harjinder Singh aged 58 years son of Waryam Singh, r/o House No.1019,
Phase-IV, Mohali.

Applicant/accused.

Versus

State of Punjab

FIR No.82 dated 17.4.2018
U/s 420,467,468,471 and 120-B of IPC
Police Station: Civil Lines, Patiala

Application filed U/s 438 of Cr.P.C

Present: Sh. Sachin Sharma, Advocate for applicant-accused.
S. Harkirat Singh, Addl. PP for State along with ASI Mewa
Singh.
Sh. Amrinder Singh Dhillon, Advocate for complainant.

ORDER:-

1. This order of mine shall dispose off application for anticipatory bail moved by applicant-accused in case FIR No.82 dated 17.4.2018, U/s 420,467,468,471 and 120-B of IPC, Police Station Civil Lines, Patiala.
2. Perusal of record revealed the fact that complainant Prabhjeet Singh son of Inderjit Singh has moved complaint to DGP, which was

received in the office of SSP against four persons namely Gurcharan Singh, Harjinder Singh, Baljinder Singh and Amarjit Singh for cheating by forging, and fabricating false agreement. Complainant alleged that he is one of the directors of KVA Entertainment Limited, Tagore Theatres Complex, Model Town, Patiala and is fully competent and authorised to file the application, whereas Gurcharan Singh and Harjinder Singh by joining hands with each other with the help of Baljinder Singh and Amarjit Singh and other partymen had forged and fabricated a false agreement dated 4.1.2014 to usurp the valuable immovable property of the company. Complainant also alleged that Harjinder Singh alleging himself to be as a director of the above alleged company KVA Entertainment Pvt. Limited, though he ceased to be director on 1.10.2013. He further alleged that apparently the alleged agreement dated 4.1.2014 consists of three sheets out of which first sheet is of denomination of Rs.100/- bearing No.Y986167 and the other two sheets of papers were on plain papers and these alleged stamps mentioning numbers as 1632 or 1633 dated 28.3.2013 at the name of stamp vendor allegedly of one Ishan Thakur, Stamp vendor, Rajpura, whereas the first stamp paper was never allegedly sold by him. Complainant also alleged that false and fabricated agreement to sell were allegedly prepared, whereas Baljinder Singh and Amarjit Singh have allegedly mentioned themselves as witnesses of the alleged agreement with dishonestly and malafide intention. On the basis of this complaint, enquiry was conducted and after completion of enquiry, case has been got registered and investigation is pending.

3. Learned counsel for applicant-accused pressed on the point that as per allegations, firstly applicant is original owner of Tagore Theatre and he is in legal possession of the same. Learned counsel for applicant further submitted that he had taken financial help from the complainant namely Prabhjeet Singh for some time and the same has also been returned to him by way of RTGS, but complainant also kidnapped the petitioner and his son with the help of his gunman in December, 2017 and obtained his signatures on several blank papers, though petitioner is not aware of the facts. Learned counsel for applicant alleged that he never executed any agreement to sell of the property allegedly Tagore Theatre on 4.1.2014 and even the alleged civil suit got instituted was also withdrawn, whereas complainant alleging Gurcharan Singh has purchaser with each other and they have connived with each other and it is a conspiracy hatched by the complainant. Learned counsel for applicant-accused vehemently pressed that the applicant has returned the money to the complainant, but he wants to misuse the process of law with the help of police force and got registered a false case. He further argued that the police now a days are acting as recovery agents without any reasons and implicated him in a false case and prayed for bail on the ground that he is ready to join the investigation.

4. Learned Addl.P.P. for State assisted with learned counsel for complainant refuted the above contentions and further argued that Gurcharan Singh has connived with the present applicant-accused and suit was dismissed as withdrawn. He further argued that the present applicant-

accused has also misused the process of court by filing a complaint. He also pressed that even application U/s 151 CPC was moved in the civil suit, which was allegedly instituted by Gurcharan Singh and the written statement has also been filed by the present applicant-accused admitting the facts, which shows the collusion of present applicant-accused with that very person. He further pressed that the present applicant-accused was declared as P.O. in the year 2016 and order of Hon'ble High Court dated 2.4.2018 also reveals that the possession of alleged property had already been taken by the DRT and all these facts had been concealed by the applicant. He prayed for dismissal of application on these grounds.

5. After hearing their respective submissions and perusal of the record revealed the fact that as per allegations of the complainant, the alleged agreement was forged and fabricated by the applicant-accused in connivance with other accused Gurcharan Singh as well as attesting witnesses. Furthermore, the complainant is alleging that he is also one of the directors and the amount was never returned by the applicant-accused by way of RTGS, because no such document has been annexed with the application. Moreover, institution of suit by Gurcharan Singh and then lateron withdrawal are qua agreement to sell, which means they have compromised the matter. However, the grievance of complainant is that the applicant-accused has forged the agreement. Furthermore, both the parties are in dagger drawn litigation against each other and police has got registered the case against the applicant-accused alongwith other co-accused. The applicant-accused has not annexed any copy of record,

which depicts that he has returned the amount and it was merely financial transaction. Furthermore, grounds in the application are self contrary and the orders produced of different Courts also reveals that the applicant-accused has already been declared as P.O. in a complaint U/s 138 of Negotiable Instruments Act in the Courts at Mohali and even the property has already been taken into possession by the DRT.

6. Keeping in view of these facts and circumstances and to reveal out the truth, the custodial interrogation of applicant-accused must be required to be police. Consequently, no exceptional circumstances are find out in favour of applicant-accused, who has allegedly committed a serious offence. Resultantly, bail application moved by applicant-accused is hereby dismissed. File be consigned to record room after due compilation.

Pronounced:15.5.2018
mukesh kumar stenographer-III

Dharminder Paul Singla
Additional Sessions Judge, Pta
UID NO. PB0083