

**IN THE COURT OF SHRI MANJINDER SINGH,
ADDITIONAL SESSIONS JUDGE, BATHINDA
UID No. PB0064**

CNR NO. PBBT01-004539/2018
CIS No BA 3666/2018
Decided on: 7.6.2018

Parveen Kumar Bansal son of Amar Nath son of Puran Chand, resident of House no. 436 Mode Town, Phase I Bathinda.

.....Petitioners

versus

State of Punjab

.....Respondent

FIR NO. 113 dated 1.6.2018
u/s 420 IPC
PS Civil lines, Bathinda.

Present:- Shri KS Sodhi, Advocate, Counsel for accused-applicant
Addl. P.P. for State assisted by Sh. GS Brar, Adv.,
counsel for complainant.

ORDER:

This order will dispose a bail application u/s 438 Cr.P.C. filed by accused-applicant named above, in FIR no. 113 dated 1.6.2018 u/s 420 IPC PS Civil lines, Bathinda.

2. Upon notice, this bail application was contested by ld.Addl., P.P. for State.

3. I have heard learned counsel for the accused-applicant, ld.Addl. PP for State and counsel for the complainant and have gone through the file very carefully with their able assistance.

4. Learned Counsel for the accused-applicant pleaded that accused has been falsely implicated in the present case. Learned defence

counsel further submitted that initially the agreement was entered between complainant Randeep Kaur and Santosh Bansal, owner of said property, but after the cancellation of said agreement, owner of the disputed property sold the property in favour of the petitioner and his wife vide a valid sale deed and against due sale consideration. Even the mutation has also been sanctioned in their favour. Petitioner is innocent and has been involved in this case with an ulterior motive of greed, as value of the property has increased by now. Nothing is to be recovered from the petitioner. Hence, it is prayed that bail application may kindly be allowed.

5. On the other hand, Id.Addl.PP for state contended that offence attributed to the accused-applicant is of very serious in nature. A huge amount worth Rs.1,60,00,000/- is involved in the present case, which is yet to be recovered. As such, no leniency is required in such like matters.

6. From the perusal of the police file, this Court finds that this case was registered on the basis of application moved by Randeep Kaur for taking legal action against Santosh Bansal, Brij Bhushan, Meenakshi Bansal, Parveen Bansal etc. for defrauding her to the tune of Rs.1,60,00,000/-. This application was thoroughly investigated by SP(D) Bathinda, wherein it was found that there was an agreement to sell between Randeep Kaur and Santosh Bansal, Meenakshi Bansal, Raghvir Chand regarding land measuring 2107 sq.yards @ Rs.6000/- per sq.yards and at the time of agreement to sell dated 20.9.2013, an amount of Rs.60

lacs was given as earnest money. Date for registration of sale deed was fixed 17.2.2014 but the vendors did not come to execute the sale deed, nor returned the double of earnest money to the complainant. Due to this, complainant filed a criminal case u/s 420, 406 IPC and also filed a suit for specific performance of the agreement. In said criminal case when the police started raiding for the arrest of accused persons, then Parveen Kumar Bansal and his wife Sakshi Bansal helped them. It was further found during investigation that with an intention to cheat the complainant Parveen Kumar Bansal had introduced new vendors Ashok Kumar and Balwinder Singh Sandhu to Randeep Kaur and assured her that if the land is sold in their favour the amount of profit will be divided amongst them to the extent of ½ share. Randeep Kaur was allured with the assurance of Parveen Kumar and withdrawn the Civil as well as criminal case filed by her against abovesaid person. But Parveen Kumar Bansal did not return the amount of Rs.1,60,00,000/- which he kept with him and in this way he cheated complainant Randeep Kaur. Thus from the allegations made in FIR, it is clear that amount of Rs.1.60 crores kept by Pardeep Kumar Bansal with him is yet to be recovered. As such, accused is required for custodial interrogation. In **Bal Krishan Fauzdar VS. State of Haryana 2018 (1) RCR Criminal 789** it is held by Hon'ble High Court in para No. 8 that, “it is well settled that custodial interrogation is more elicitation oriented since a person, who is couched in comparative safety of pre-arrest bail would certainly not disclose all the facts within his knowledge which would be inculpatory for him. In case custodial interrogation of the

petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for. The law laid down in this citation is fully applicable to the facts of the case in hand. As such, accused is required for custodial interrogation. As such keeping in view the gravity of offence, I do not deem it fit case to grant concession of anticipatory bail to the accused-applicant and the bail application filed by accused-applicant is hereby dismissed. File be consigned to the record room.

Pronounced in open Court
07.6.2018

Manjinder Singh,
Additional Sessions Judge,
Bathinda.

Dictated on computer directly.

Present:- Shri Pardeep Kumar Sharma, Advocate, Counsel for accused-
applicant
Shri M.S.Sidhu, Addl. P.P. for State

Heard. Vide my separate detailed order of today, bail
application stands dismissed. File be consigned to the record room.

Pronounced in open Court
06.12.2016

Manjinder Singh,
Additional Sessions Judge,
Bathinda.