

**IN THE COURT OF SH. RAJNISH GARG,
ADDL.SESIONS JUDGE, SAS NAGAR(MOHALI).**

CNR No.PBSA01-008301 -2018

Date of decision 20.11.2018

Niranjan Singh Walia, aged 58 years son of Sh.Nachatar Singh, resident of village Nurpura, Tehsil Amloh, District Fatehgarh Sahib.

.....Accused/applicant.

Versus

State of Punjab

.....Respondent.

FIR No.245 dated 15.09.2018
Under Sections 420, 120-B IPC,
PS:Dera Bassi.

First petition under Section 438 Cr.P.C.

Present : Sh.S.P.S.Chakkal, Advocate, counsel for
applicant/accused.
Sh.Jatinderjit Singh, Addl.P.P.for State assisted by
Sh.Gopal Krishan Gupta, Advocate counsel for
complainant.

ORDER

1. Present bail application has been filed under Section 438 Cr.P.C on behalf of above said accused-applicant for grant of anticipatory bail in the aforesaid FIR. Notice of the application was given to State and record of the case was produced.

2. Brief facts necessary for dealing with present bail application are that the aforesaid FIR was registered on the basis of complaint moved by

one Ishank Bhati before Chief Secretary, Home Affairs with the allegations that applicant-accused alongwith others has constituted a society in the name of United Church of Northern Indian (Zira) and one Ravi Chhatriya is president of the same. In the name of said society, they have sold several properties owned by different Churches and societies claiming themselves to be owners of the property. Similarly, they entered into an agreement to sell for sale of land measuring 18 kanal 28 marlas standing in the name of Christian Trust Public Property situated at village Mirpur, Sub Tehsil Zirakpur, Tehsil Dera Bassi claiming themselves to be owner of the same. Earlier also they have sold several properties standing in the name of different Churches and in fact above said society has been constituted by applicant-accused and others only for this purpose. With these allegations aforesaid FIR was registered against applicant-accused and others. Hence, this bail application.

3. I have heard learned counsel for the applicant/accused, learned Addl.P.P.for State assisted by learned counsel for complainant and have gone through the file of this case.

4. The learned counsel for applicant-accused argued that applicant has been falsely implicated in the present case. Infact no offence was committed by him. Applicant-accused has nothing to do with alleged society and he had signed agreement to sell only as a caretaker and at the instance of accused Ravi Chattriya. After coming to know about the allegations,

applicant-accused compromised the matter with complainant and returned him Rs.5 lacs by way of cheque. Now nothing is due to against applicant-accused and no wrongful loss was caused to any person by him. Thus no offence is made out against applicant-accused even from the facts mentioned in the FIR. Complainant himself is involved in a number of cases. Compromise has also been effected with the persons with whom agreement was entered into and amount has been returned to them. Custodial interrogation is not required and applicant is ready to join investigation. Thereby he prayed for grant of anticipatory bail to the applicant-accused.

5. On the other hand, learned Addl.P.P.for the State assisted by learned counsel for complainant argued that applicant-accused is guilty of heinous crime. He is habitual offender. Society has been created by main accused Ravi Chhatriya to cheat various persons and to usurp properties of the Church and applicant-accused is part of the same. Earlier also several similar cases have been registered against applicant-accused. As such custodial interrogation of the applicant-accused is necessary. Thereby they prayed for dismissal of bail application.

6. I have considered the respective submissions of the learned counsel for the parties and have gone through the record with their able assistance.

7. There are very serious allegations against applicant-accused and as per the case of prosecution, applicant-accused is part of a society in the

name and style of United Church of Northern India. The said society is selling properties of different churches claiming itself to be owner of the same. Even though only allegation against applicant-accused in this case is that he had signed the agreement to sell as a caretaker, but he is the main accused through him the property of the Church was being sold. Now it cannot be claimed by applicant-accused that he was selling the property only at the instance of main accused and cannot escape his liability. Learned counsel for complainant has also submitted that other cases of similar nature have also been registered against applicant-accused and his other co-accused. Thus in the considered opinion of this Court, custodial interrogation of applicant-accused is necessary to reach at just conclusion of the case and to see his involvement in other similar cases. Mere fact that complainant himself is involved in other cases is not sufficient to absolve the applicant-accused of his offences. As such applicant does not deserve extra ordinary relief of anticipatory bail and his custodial interrogation is necessary to further investigate into the matter. Accordingly, without commenting upon other merits of the case, the present bail application fails and is hereby dismissed. Observations made above would have no bearing on the merits of the case. Police record be returned. File be consigned to the record room.

Pronounced
Dated: 20.11.2018

Surjit Singhm STG Gr.I

(Rajnish Garg)
Additional Sessions Judge,
SAS Nagar (Mohali).

Present : Sh.S.P.S.Chakkal, Advocate, counsel for
applicant/accused.
Sh.Jatinderjit Singh, Addl.P.P.for State assisted by
Sh.Gopal Krishan Gupta, Advocate counsel for
complainant.

Shri Gopal Krishan Gupta, Advocate has appeared and
filed power of attorney on behalf of the complainant. Record received.
Arguments heard. Vide my separate detailed order announced today, the
present bail application has been dismissed. File be consigned to the
record room.

Pronounced
20.11.2018

Surjit Singh, STG Gr.I

(Rajnish Garg)
Addl.Sessions Judge,
SAS Nagar (Mohali)

