

**IN THE COURT OF SH. TARNTARAN SINGH BINDRA,  
ADDITIONAL SESSIONS JUDGE, JALANDHAR.  
(UID NO. PB0199)**

|                     |                    |
|---------------------|--------------------|
| CIS No.             | BA 1779/2021       |
| CNR                 | PBJL01-004800-2021 |
| DATE OF INSTITUTION | 27.04.2021         |
| DATE OF DECISION    | 31.05.2021         |

Jasvir Chand son of Late Sh. Babu Ram, resident of village Sofi Pind, Jalandhar.

☞ ..Accused/applicant.

Versus

State

☞ ..Respondent

**Application under Section 438 Cr.P.C.**

FIR No. 167 of 20.09.2020

U/Ss 406, 420, 120-B IPC.

Police Station Jalandhar Cantt.

Present: Sh. Ajay Kumar Lucky, Advocate for accused/applicant.  
Sh. Sandeep Kumar, Additional Public Prosecutor for State.

**ORDER**

The brief facts of the case, which require consideration for disposal of the present bail application are that FIR in question has been registered against the accused/applicant and others, on the complaint of complainant Keemti, who has claimed that he had purchased a house from the accused on 19.10.2012. He, on the asking of accused Kuldeep Kaur, rented out that house to her on 23.10.2012. Later-on, the complainant came to know that the accused/applicant and his associates have sold the said house again on 30.07.2014 to one Kulwinder Singh son of Jagtar Singh of Village Sofipind. Thereafter, when complainant approached the accused

and inquired about the said fact, the accused/applicant and his associates realized their mistake and promised to return amount to the complainant within one month. Kuldeep Kaur issued a cheque for Rs.4,00,000/- and Bhawna also issued a cheque of Rs.4,00,000/- to the complainant, but when complainant inquired from the bank, there was no balance in the accounts of the accused. On reporting matter to police, present FIR has been registered against all the four accused by name. Apprehending his arrest, the accused/applicant has filed present bail application under Section 438 of Code of Criminal Procedure (in short Cr.P.C.).

2. Notice of the present bail application given to respondent/ State. Ld. Additional Public Prosecutor appeared on behalf of respondent/ State and contested the present bail application.

3. I have heard learned counsel for the accused/applicant and learned Additional Public Prosecutor for the State and have gone through the police record.

4. From the perusal of record, it transpires that the present applicant/accused Jasvir Chand is only attesting witness to the agreement to sell dated 19.10.2012. Further perusal of sale deed dated 30.07.2014 shows that present applicant/accused is not the witness to the sale deed vide which the accused again sold the property in question to one Kulwinder Singh. Accused/applicant is also not witness to any of the rent agreements vide which the accused Kuldeep Kaur rented out the property herself and which she sold firstly to Keemti Lal and then to Kulwidner Singh. There is no other evidence on record to connect the applicant/accused with the alleged fraud committed by other accused. The accused/applicant was granted an opportunity to join the investigation vide order dated 07.07.2021 by Ld. Predecessor of this court.

5. Admittedly, the accused/applicant has joined the investigation in this case in view of the interim directions given by this court vide order dated 07.05.2021. Ld. Addl. P.P for the State at the asking of Investigating Officer has

submitted that accused/applicant has joined investigation in the present case and he is no more required for custodial interrogation in this case.

6. In view of the observations made by this court and as the accused/applicant has already joined the investigation and the allegations of the complainant are yet to be proved on record, which is matter of trial, therefore, no useful purpose shall be served by declining the present bail application of the accused.

7. On the basis of the above discussion, the bail application is allowed. The interim bail granted to the accused/applicant vide order dated 07.05.2021, is made absolute, subject to the conditions:

- (i). The applicant shall make himself available for interrogation by a police officer as and when required;
- (ii). The applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;
- (iii). The applicant shall not leave India without the previous permission of the Court;
- (iv) He shall not commit any offence similar in nature of which he is accused, or suspected, of the commission of the same.

Police record be returned and file be consigned to Record Room.

**Pronounced in Open Court**  
**31.05.2021**  
*Som Nath*

**(Tarntaran Singh Bindra)**  
**Addl. Sessions Judge**  
**Jalandhar (UID No.PB-0199).**