

**In the court of Jaspinder Singh(UID No. PB0148),
Additional Sessions Judge, Amritsar.**

CNR No: PBAS010049792018.
Registration No: BA/1762/2018.
Instituted on: 18.04.2018.
Decided on: 27.04.2018.

State Versus Emanvel son of Shri Gulzar, resident of 156, Gali no.5,
Rajinder Nagar, near Vijay Nagar, Amritsar.

.....Applicant/accused.

FIR No: 41 dated 26.03.2018.
Under Section: 419,420,465,467,468,471,120-B of IPC.
Police Station: Sultanwind,Amritsar.

Present:- Sh.Mukesh Nanda,Advocate,counsel for the applicant-accused.
Mrs.Anju Sharma,Addl.P.P for the State, assisted by Shri
A.N.Walia,Advocate.

ORDER:

1. This order of mine shall dispose of **Ist** bail application u/s.438 of Cr.P.C filed on behalf of accused-applicant for grant of anticipatory bail.
2. The applicant has filed the present bail application on the averments that on the false allegations of one Ravail Singh son of Bishan Singh false case has been registered and police is raiding the house of applicant and applicant is apprehending his arrest by the police of PS Sultanwind. The applicant is absolutely innocent and has not committed any

alleged offence and said false case has been registered. Even in the statement of complainant, the name of applicant has not been mentioned and as such applicant has got nothing to do with the present case and police is trying to falsely implicate the applicant. It has been wrongly alleged by enquiry officer that the person namely Emanvel is also known as Manu and even his wrong address has been given in the FIR, whereas the applicant is resident of some other place as per his Aadhar card. The applicant has got nothing to do with the present dispute and police is trying to falsely implicate him in the present case and therefore applicant has been falsely implicated. Nothing is to be recovered from applicant, so his custodial interrogation is not necessary. The applicant is ready to join the investigation and to abide by the terms and conditions to be imposed by the Court. Hence this application for grant of anticipatory bail to the applicant.

3. Upon notice issued to State, Addl.PP for the State has appeared. Shri A.N.Walia, Advocate has appeared on behalf of complainant and filed power of attorney to assist the prosecution. Investigating Officer has come present alongwith record.

4. I have heard counsel for the applicant and Addl.PP for the State assisted by counsel for the complainant and gone through the file very

carefully.

5. In this case the FIR was registered on the complaint of Ravel Singh son of Bishan Singh who has retired as Inspector from BSF and after retirement started cultivating his land. He has sold 5 acres of land for a sum of Rs.2,50,00,000/-. Thereafter one Pawan Kumar alias Pammu told him that he is doing the business of property dealer and get him purchased land at less commission. He introduced him with Rajbir, Amar, Ashok Gupta, Vijay Sharma and they showed him the land of 10 acres at Ramdas Road which they agreed to sell the same at the rate of Rs.9,50,000/-per acre and he gave them Rs.2,00,000/- as Biana. Thereafter another sum of Rs.7.00 lakh was given on 23.9.2014, Rs.10.00 lakh on 26.9.2014, Rs.20.00 lakh on 1.10.2014, Rs.27.00 lakh on 7.10.2014, another sum of Rs.40.00 lakh on 13.10.2014. Thereafter they asked him for giving the remaining balance amount and they purchased one stamp paper in his name and he asked them to be ready for the balance amount. On 17.10.2014 he withdrew from his account Rs.10.00 lakh and entered into agreement to sell 7 kanals of land with Surinder Singh son of Gurnam Singh, Davinder Singh son of Harbhajan Singh resident of village Daburji to arrange the money and he received Rs.50.00 lakh in cash. Remaining amount of 5.00 lakh was to be

paid at the time of execution of the sale deed. He took loan of Rs.20.00 lakh each on his land from Gramin Bank Branch Nadala and Punjab National Bank Branch, Akbarpura, Distt. Kapurthala and he took Rs.10.00 lakh from his relative Surinder Singh and remaining amount he took from his account and also from the FDR of his daughter in law Manjit Kaur. When he contacted these persons for executing sale deed, where he met Rajbir, Amar, Ashok Gupta and Vijay Sharma the four property dealers and who told him that to pay all the amount and they have to purchase the stamp. They made him to sit in the office of Tehsildar but thereafter they never came back. Later on he came to know that they have cheated him and they have introduced him with wrong names. Original name of Rajbir Singh was Hira Singh and that of Amar was Manu. The original name of Ashok Kumar was Ashwani Kumar. Original name of Vijay Sharma is Balvir Kala. Perusal of the FIR reveals that the allegations against the applicant are that he has introduced himself alongwith co-accused, by the name of Amar, whereas name of applicant is Emanvel @ Manu. Similarly co-accused Ashok Kumar's original name is Ashwani Kumar, Balvir Kala told his name as Vijay Sharma and Hira Singh told his name as Rajbir Singh. They have cheated the complainant of nearly Rs.2 Crores. The counsel for the

complainant has produced on file FIR no.43 of 2012 registered against the applicant for the commission of offence under section 307 of IPC. Another FIR no.76/2014 under section 364,452 etc IPC was registered against applicant Emanval. Similarly against co-accused Balbir Kala there are around 5 FIRs which include FIR under section 420 IPC against Hira Singh, also the offence under section 420 of IPC bearing no.148 has been registered. One FIR against Ashwani Kumar under section 420 of IPC was also registered on 15.5.2016 at P.S.Kathunangal. So registration of various FIRs against applicant and other co-accused clearly show that they have formed a sort of gang to cheat different persons and by disclosing their different names. So I am of the opinion that applicant Emanval is not entitled to concession of anticipatory bail. Hence, present application is dismissed. Police file be returned. Bail application file be consigned to record room.

Pronounced in open Court.
27.04.2018.

(Jaspinder Singh),
Additional Sessions Judge,
Amritsar.
UID No. PB0148.