

IN THE COURT OF SH.GURMOHAN SINGH,
ADDITIONAL SESSIONS JUDGE,
JALANDHAR. (UID No.PB0573)

CS No. B.A No.1683/2017
CNR No.PBJL010054332018
Date of Institution: 03.04.2018
Date of Order:17.04.2018

Gurmej Ram aged about 44 years son of Sh. Gurdas Ram, resident of Village Khairulapur, Tehsil Nakodar, District Jalandhar.

...Accused/applicant

Versus

State of Punjab

....Respondent.

FIR No.27 dated 29.03.2018
Under Sections 306 IPC
PS Nurmahal, District Jalandhar.

First bail application Under Section 438 Cr.P.C

Present: Sh. Bhupinder Singh Kalra Advocate, counsel for
accused/applicant.
Sh. A.P.S Dhillon, Addl. P.P. for State.

1. Present bail application is filed under **Section 438 Cr.P.C** in **FIR No. 27 dated 29.03.2018, under Section 306 IPC, PS Nurmahal, District Jalandhar** for grant of anticipatory bail to the present applicant.
2. Brief facts of the case are that the present FIR has been lodged on the statement of complainant Chetan Singh, in which he stated he is agriculturist and they are four brothers, in which three brothers has been expired. His eldest brother Sarwan Singh has two sons namely Paramjit Singh and Rajwinder Singh. Today i.e. on 29.03.2018 at about 9:30 AM when he was in his home, he came to know that his nephew namely

Paramjit Singh @ Pamma son of Sarwan Singh age about 45-46 years had committed suicide by hanging himself in the room. Thereafter, when he reached at the spot then he saw Gurmeet Singh son of Balwinder Singh along with Rajwinder Singh son of Sarwan Singh. Till that time Paramjit Singh has already expired. Further submits that some times back Paramjit Singh deceased and Daljit Singh, Halqa Patwari, Kanungo, Angrej had entered into agreement to sell for 19 Kanal land to Sadiq Gujar for ₹20,0000/-. Out of the said ₹20,00000/-, ₹7,00000/- has been paid as token amount out of which ₹6,00000/- has been paid to Daljit Singh. Further stated that Paramjit Singh has commit suicide and one suicide not has also been found from the pocket of the shirt of the deceased in which he has specifically named Daljit, Gujar, Patwari, Kanungo and Angrej responsible for his suicide. Thus, the present FIR has been lodged against the present applicant and other co-accused persons.

3. Addl. P.P for the State has put in appearance in pursuance of issuance of notice to the State. Record has also been produced.

4. Ld. Counsel for the applicant argued that the present applicant has been falsely implicated in FIR. Applicant is quite innocent and has committed no offence whatsoever. Further stated that all the allegations leveled in the FIR registered by the complainant are false and without an iota of truth in them. The sole purpose of registration of the FIR is to blackmail and harass the applicant and other accused persons. Further stated that the applicant has no role to play in the commission of any offence and they have no connection what so ever with the allegations as mentioned in the above mentioned case FIR. Further stated that the true facts are that

deceased Paramjit Singh was owner in possession of land measuring 18 Kanal 19 Marlas situated in the area of Mehatpur, Jalandhar and being owner in possession on dated 17.07.2017 he entered agreement to sell with Sadiq Mohammad son of Karamdin resident of Mohalla Shahpur, Mehatpur, Jalandhar for the total sum of ₹20,00,000/- and said purchaser Sadiq Mohammad gave ₹7,00,000/- as an earnest money to Paramjit Singh on the said date and despite other terms and conditions it was agreed between them to execute sale deed on or before 20.06.2018 on the payment of balance sale consideration. Further stated that thereafter purchaser Sadiq Mohammad was having remaining sale consideration alongwith charges required for the execution of sale deed and he informed accordingly to the owner/deceased Paramjit Singh about his willingness to got execute sale deed on the payment of remaining sale consideration and on receiving positive response from Paramjit Singh, Sadiq Mohamad deposited/paid e-Stamp and e-Registration charges with Government on 05.03.2018 and also sale deed was scribed. Further stated that however, after completion of formalities for the execution of the sale deed, owner/deceased Paramjit Singh did not come present before the Sub-registrar, Mehatpur, Jalandhar to execute his part of agreement after receiving the balance sale consideration from Sadiq Mohammad. Due to said act and conduct of Paramjit Singh, purchaser Sadiq Mohammad moved an application to SSP, Jalandhar against said Paramjit Singh and despite others the name of present applicant was mentioned therein and leveled the allegations of fraud against all the persons mentioned in the application. The said application was pending for enquiry in the PS Mehatpur. Further stated that the police has not made any

effort to verify the allegations of the complainant as investigation by the local police is being influenced by the complainant party and the local police. Further stated that the bare perusal of the FIR the ingredients of Section 306 not made out against the applicant. Further stated that the alleged removed suicide note is not in the handwriting of deceased Paramjit Singh as he was illiterate person. Further stated that the actual name of the applicant has not been mentioned in the FIR by the complainant despite the fact the applicant signed the agreement to sell dated 17.07.2017 and drafted sale deed as marginal witness, but even the police is raiding the house of the applicant in order to arrest him in the above said case for the commission of non-bailable offences. Thus, the applicant had committed a serious offence. Thus, the present bail application be dismissed.

5. Ld. Addl. PP for the state argued that there are specific allegations against the present applicant/accused and the offences are serious and grave in nature. Further submits that the nephew of the complainant has committed suicide due to the incident, which is mentioned in the FIR. Further even deceased Paramjit Singh has specifically named the present applicant as Angrej alongwith the other persons in his suicide note. Angrej is the same persons i.e. Gurmej Singh applicant. Thus, the applicant had committed a serious offence. Thus, the present applicant does not deserve the concession of bail and the same may kindly be dismissed.

6. I have heard the ld. Counsel for the accused/applicant, Ld. Addl. PP for the State and have gone through the record carefully.

7. Keeping in view the facts and circumstances of the present case and after hearing the Ld. Counsel for the applicant and Addl. PP for the

State and after going through the record, this court is of the considered opinion that there are specific allegations against the present applicant and offences alleged in the FIR are serious in nature. Further, though the name of the accused mentioned in the FIR & suicide note is seems to be nick name, but later on during investigation it has been found that the applicant is the same person i.e. Gurmej Singh, whose nick name has been mentioned in the FIR and in suicide note. Further, perusal of the record and even the applicant has himself admitted that there was some dispute with regard to the sale and purchase one land, which belongs to deceased Paramjit Singh and some consideration amount was also left to be paid. Further even perusal of the suicide note also reflects that deceased Paramjit Singh has mentioned that he has been implicated in some false case by the applicant and the other co-accused persons and thus he is left with no other option and in the fear of court case he is committing suicide. Further perusal of the FIR the specific allegations against the present applicant with regard to the commission of the offence and thus at this stage, this court do not find any satisfactory ground to grant the concession of the anticipatory bail to the applicant.

8. On the basis of above discussion, held in proceeding paragraph of this order, the bail application has no merits and same is hereby dismissed. File be consigned to the Record Room.

Pronounced in open Court.

17.04.2018

*JW/Mamta**

**(Gurmohan Singh)
Addl. Sessions Judge,
Jalandhar.(UID No.PB0573)**