

Sanjeev Kuamr Bindal vs. State

**IN THE COURT OF SHRI AVTAR SINGH BARDA,
ADDITIONAL SESSIONS JUDGE/DUTY JUDGE, SAS NAGAR
UNIQUE IDENTIFICATION CODE NO. (PB0159)**

CNR no. PBSA010063432022
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Date of Order: 24.06.2022

Sanjeev Kumar Bindal, aged about 47 years, son of Sh. Gian Chand, r/o
House no.155, Sector 21, Panchkula, Haryana.

... Bail applicant.

Vs.

State of Punjab

.... Respondent

F.I.R.No. 188 Dated 07.06.2022
U/ss 420,447,506 IPC
P.S. Dera Bassi.

BAIL APPLICATION U/S 438CR.P.C.

Present: Sh.Divyadeep Walia Advocate learned counsel for
accused/applicant.
Sh.S.S.Sahota, learned Addl.P.P for the State.

ORDER

1. File put up before me being duty judge during summer vacation. Record received. Heard on the bail application filed by accused under section 438 of the Cr.P.C.

2. In brief, the case of prosecution is that complainant has filed complaint to SSP, Mohali to the effect that she has purchased plot measuring 100 square yards (20x45) in Krishna Enclave situated at village Sade Majra, Tehsil Dera Bassi, Distt Mohali from accused Krishan Pal

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and sale deed was got registered in her name which was registered in the office of Sub Registrar, Dera Bassi. The possession of said plot no. 47 was handed over to her by accused Krishan Pal . She raised boundary wall over the said plot and also put iron gate. She further stated that she was arranging funds for construction over the said plot and in this regard some time was consume and thereafter, on 19.07.2014, the said colony was regularized by competent authority and she paid the requisite fee as per demand made by competent authority and regulation certificate issued in her name in respect of plot no. 47 in the said colony. It is further stated that she was visiting his above said plot regularly to take care of it till 2017 and thereafter, she could not visit there and when she again visited her plot in the year 2019, she was shocked and surprise that accused Sanjeev has raised flats upon the said area including her plot no. 47 and she enquired about the status of builder and thereafter, she approached the office of accused Sanjeev Jindal at Krishna Enclave where she found that some bouncer is sitting outside the office and they did not allow her to meet with accused and provided her telephone number of accused Sanjeev and when she made call then he told her that he will provide her corner plot in another place but he never shown her any plot nor he came to do the needful. She further stated that she was in hope that accused Sanjeev will provide her a corner plot in the similar area but till date he has not provide her any plot rather he gave threat that if she made any complaint to police, he will implicate her in false case.

3. Notice of bail application was given to the State upon

which, Sh.S.S.Sahota , learned Additional Public Prosecutor put in appearance.

4. Learned counsel for bail applicant has argued that bail applicant has not committed any offence. Bail applicant is innocent person. He has further argued that the applicant-accused had never had any direct or indirect dealings with complainant and as per FIR, she had purchased plot in dispute from late Krishanpal after paying entire amount to him and applicant has not received single penny from Harpal Kaur complainant in any manner. He has further argued that FIR has been registered without proper verification of fact. In last, he prayed that bail application may kindly be allowed.

5. On the other hand, learned Addl. PP for State has opposed the arguments of learned defence counsel on the ground that bail applicant has committed heinous offence. He has further argued that custodial interrogation of bail applicant is required for further investigation of the present case. In last, he prayed that bail application may kindly be dismissed.

6. After going through the rival contentions submitted by learned Addl. PP for the State as well as that of learned defence counsel, it is revealed that in the instant case, FIR has been got registered against accused-applicant under Sections 420,447,506 IPC. As per prosecution version , complainant has purchased plot measuring 100 square yards (20x45) in Krishna Enclave situated at village Sade Majra, Tehsil Dera Bassi, Distt Mohali from co accused

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Krishan Pal and sale deed was got registered in her name by co-accused Krishan Pal. Further, as per prosecution version, bail applicant in connivance with co-accused took illegal possession of the said plot of complainant and had constructed flats on the said plot. Further, as per prosecution version, bail applicant promised the complainant that he will provide her corner plot in another place but till date, bail applicant neither delivered possession of any corner plot nor delivered possession of any flat in lieu of said plot. In this way, bail applicant has cheated the complainant. Apart from that the investigation of this case is still in progress. The custodial interrogation of accused-applicant may be required for further investigation in the present case .

7. Accordingly, keeping in view all these facts and circumstances and above mentioned detailed discussion of mine, the application in hand , carries no weight in it and same is, hereby, dismissed. Police record be returned to the concerned Police official/Naib court of the court against proper receipt whereas bail application file be put up on 6.7.2022 before the court of learned Sessions Judge, for the purpose of entrustment.

Pronounced: 24.06.2022.

jjyotsna, stenographer I

(Avtar Singh Barda)
Additional Sessions Judge /Vacation Judge,
SAS Nagar

UID No.(PB0159)

This order has been directly dictated on the computer.

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accused/applicant.
Sh.S.S.Sahota, learned Addl.P.P for the State.

File put up before me being duty judge performing duty during summer vacation. An application for correction of typographical error in the memo of parties and for placing on record amended meo of parties with affidavit has been filed. Notice of said application was given to State.

Heard. Considering the contents of application and in the interest of justice, the application stands allowed. Amended memo filed.

Police record received. Arguments heard and vide my separate detailed order of the even date, present bail application stands dismissed . Concerned Ahlmad is directed to return the police record/file to the concerned official or Naib court of this court on proper verification and identification against proper receipt whereas bail application file be put up on 6.7.2022 before the court of learned Sessions Judge, for the purpose of entrustment.

Pronounced: 24.06.2022.

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Additional Sessions Judge /Vacation Judge,
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