

Reg No. BA-1607-2024

CNR No. PBRO010053992024

Present: Shri Kesar Singh, Advocate counsel for applicant/ accused.  
Shri Rajinder Kumar , Additional Public Prosecutor for State.

ORDER:

1. Arguments on pre-arrest bail application filed by applicant/accused Gurpreet Singh under Section 482 of BNSS of 2023 (Old Section 438 Cr.P.C), for releasing him on anticipatory bail in this case bearing FIR No.52 dated 20..08.2024 under Sections 420, 406 IPC Police Station Sadar Morinda, heard. Police record produced and perused.

2. Learned counsel for the applicant/accused has argued that applicant/accused has been falsely implicated in this case. He has neither cheated the complainant nor dishonestly induced the complainant to deliver any amount to him on the pretext of execution of agreement to sell by Harinder Singh in favour of the complainant for selling of his land measuring 25 Bigha, 06 Biswa, 08 Biswasi in August 2023. The earnest money was paid to Harinder Singh by the complainant and not to the applicant/accused. The applicant/accused is not signatory of the said agreement to sell. Nothing is to be recovered from the possession of applicant/accused. Applicant/accused is ready to join the investigation. Therefore, he may kindly be released on anticipatory bail.

3. On the other hand learned Additional Public Prosecutor has vehemently argued that applicant/accused in connivance with his co-accused Harinder Singh agreed to sell the land measuring 25 Bigha, 06 Biswa, 08

Biswasi by Harinder Singh to the complainant by receiving a sum of ₹25,70,000/- as earnest money through RTGS. He has further submitted that a sum of ₹50,000/- was paid in cash to applicant/accused Gurpreet Singh as advance in August 2023 but they did not either execute registered sale deed in favour of the complainant on 02.01.2024, nor returned the earnest money received by them. The custodial interrogation of applicant/accused is required to effect the recovery of said amount and for proper investigation of this case. Therefore, it is prayed that anticipatory bail application moved by applicant/accused may kindly be dismissed.

4. As per allegations of the prosecution, applicant/accused Gurpreet Singh in connivance with his co-accused Harinder Singh entered into an agreement to sell the land measuring 25 Bigha, 06 Biswa, 08 Biswasi situated in the area of village Kakrali for consideration of ₹70,00,000/- in August 2023 and a sum of ₹50,000/- was received as advance by Gurpreet Singh applicant/accused. On 29.12.2023 Pritpal Singh and Gurpreet Singh came their house and assured them that the sale deed will be executed in favour of complainant on 02.01.2024 provided the earnest money of ₹25,70,000/- is paid and Gurpreet Singh in order to give assurance to them executed an affidavit in their presence to the effect that he will be responsible for executing the registered sale deed for the sale of the said land in their favour and both Gurpreet Singh and Pritpal Singh brought him to Bank Rani Majra and a sum of ₹25,70,000/- was got transferred in the bank account No. 110106588932 of Harinder Singh through RTGS from the complainant. It is further alleged that complainant Lakhvir Singh and his brother Ravinder

Singh obtained stamp papers on 01.01.2024 for the purpose of executing a registered sale deed on 02.01.2024 by making remaining payment through cheque bearing No. 774294 dated 02.01.2024 for a sum of ₹9,30,000/- and cheque bearing No. 113871 date 02.01.2024 for a sum of ₹35,00,000/-. It is further alleged that when they reached Tehsil Complex Morinda for the purpose of registration of sale deed on 02.01.2024 after getting the sale deed scribed on the stamp papers and signed by Harvinder Singh, but instead of appearing before Sub Registrar for getting the sale deed registered, they fled away and in this way they cheated the complainant.

5. Thus as per the allegation of prosecution applicant/accused Gurpreet Singh in connivance with his co-accused Harvinder Singh and others cheated the complainant and thereby dishonestly induced him to deliver ₹26,20,000/- on the pretext of executing the sale deed in his favour on 02.01.2024 for the sale of land measuring 25 Bigha, 06 Biswa, 08 Biswasi situated in the area of village Kakrali for consideration of ₹70,00,000/- but they did not either execute the sale deed in favour of the complainant, nor returned his earnest money.

6. Relief of anticipatory bail is an extra ordinary relief and it can only be granted in exceptional cases if special grounds are made out as held by Hon'ble Supreme Court of India in Adri Dharan Das Vs. State of West Bengal 2005 (2) R.C.R (Criminal) page 32 (SC) and Hon'ble Punjab and Haryana High Court in Vishwanath Vs. State of Punjab 1998 (4) R.C.R (Criminal) page 624 (P&H) and R.K Ranga Vs. State of

**Haryana 1997 (2) R.C.R (criminal) page 611 (P&H).**

7. Thus as per the ratio of the aforesaid judgments when the applicant/accused at whose assurance complainant paid ₹50,000/- to him as advance and ₹25,70,000/- as earnest money to Harvinder Singh for the purpose of purchasing the land measuring 25 Bigha, 06 Biswa, 08 Biswasi situated in the area of village Kakrali for consideration of ₹70,00,000/- from Harvinder Singh, and instead of executing the registered sale deed in favour of complainant they fled away from the Tehsil complex on 02.01.2024, then it cannot be said that the applicant/accused has not played any role in the commission of the said offence of cheating. Hence, this Court does not find any justification to grant the extra ordinary relief of pre-arrest bail to applicant/accused as custodial interrogation of applicant/accused is required for proper investigation of this case and to recover the money obtained by them from the complainant by way of dishonest intention. As such, pre-arrest bail application moved by applicant/accused has no merit and the same is, hereby, dismissed. Police record be returned. File of this bail application be consigned to the record room.

Announced:

Dated:-16.12.2024.

(Sham Lal),  
Additional Sessions Judge,  
Rupnagar.  
UID Number : PB0123

Rakesh Kumar Stenographer I