

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31552-2022 (O&M)
Date of Decision:-15.11.2022

Monu Pal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anoop Verma, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Gurinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.64, dated 16.6.2022, Police Station Bahawala, District Fazilka, Punjab, under Sections 420, 406 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 22.7.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.64, dated 16.6.2022, Police Station Bahawala, District Fazilka, Punjab, under Sections 420, 406 and 120-B of Indian Penal Code.

The FIR was lodged at the instance of Jatgtar Singh, wherein it is alleged that he knew Sonu, who induced him into buying land and

said Sonu alongwith Gurmail Singh showed a piece of land to him on 3.10.2020 and stated that the said land belongs to Navrinder Singh, who had entered into an agreement with Gursewak Singh for sale of the same and that now the said Gursewak Singh further wanted to sell it of. The complainant, being taken in by the said representation, consented for holding a meeting, which was arranged and upon seeing the land and discussing the matter with Gursewak Singh and Navrinder Singh, a token amount of Rs.5 lakhs was transferred to the bank account of Monu (brother of Sonu). It is further alleged that on 5.10.2020 an agreement for sale of 15 Kanals of land was entered into and the petitioner paid an amount of Rs.25 lakhs in cash apart from another amount of Rs.8 lakhs by way of cheque and it was agreed that the sale-deed would be executed by December 2020. The complainant alleged that subsequently another amount of Rs.7 lakhs was paid and that he paid a total amount of Rs.52 lakhs. It is alleged that at the time of executing the agreement to sell, Pritpal Singh and Ranjit Kumar attested the said agreement, which was Notorized by Rupinder Singh, Advocate.

Learned counsel for the petitioner submits that in the FIR there is nothing to suggest that the petitioner had held out any representation to the complainant or had induced him in any manner and that even if it is assumed that some amount had been transferred into his bank account, it was at the instance of other co-accused i.e. his brother Sonu and that he had never asked the complainant to transfer any amount.

Learned counsel for the petitioner further submitted that the petitioner was neither present at the time when token amount of Rs.5 lakhs was paid i.e. on 3.10.2020, nor even on the date when agreement for sale was executed i.e. on 5.10.2020.

Notice of motion for 15.11.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety

bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Gurinder Singh, has informed that although the petitioner has joined investigation but he has not got the amount of Rs.5 lakhs recovered.
4. The contention of the learned State counsel that an amount of Rs.5 lakhs has not been recovered, cannot be made a ground for disentitling the petitioner to grant of anticipatory bail inasmuch as the petitioner cannot be forced to get any such amount recovered as the same would virtually amount to forcing of admission of guilt. In any case, having regard to the facts and circumstances of the case and also in view of the reasons recorded in order dated 22.7.2022 and the fact that the petitioner has joined investigation and is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 22.7.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

15.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No