

CRM-M-25821 of 2023

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Harpal Singh vs. State of Punjab

Present: - Mr. Tanvir S. Grewal, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Parvez Akhtar Dhaliwal, Advocate,
for the complainant.

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.46 dated 07.04.2023 under Sections 420, 120-B IPC, registered at Police Station City-1, Malerkotla, District Malerkotla, Punjab.

Present FIR has been registered on the complaint of complainants Amrik Singh and Rajinder Singh alleging that petitioner-Harpal Singh son of Bakshish Singh, Surjit Singh son of Nahar Singh, Gurveer Singh son of Surjit Singh, Gagandeep Kaur wife of Gurveer Singh, Sukhpreet Kaur daughter of Surjit Singh residents of Balewal, District Malerkotla have committed cheating of Rs.31,00,000/- with the complainants by way of entering into an agreement to sell of land measuring 22 bighas.

Learned counsel for the petitioner *inter alia contends* that the civil dispute has been given criminal tinge and the petitioner, who is brother of Surjit Singh, has been falsely implicated in the present case. He further submits that only allegation against the petitioner in the FIR is that he was witness to agreement to sell dated 09.09.2021 executed between the complainants and Surjit Singh. He further submits that petitioner has

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nothing to do with the agreement to sell dated 09.09.2021 executed between the complainants and Surjit Singh except that he was one of the witnesses. He further submits that he is not the beneficiary. He further submits that civil litigation between complainants and Surjit Singh and Sukhpreet Kaur is pending in the Civil Court at Malerkotla (Annexure P-3). He further submits that in order to implicate whole relations of Surjit Singh, he has been wrongly implicated in the present FIR. He further submits that petitioner is not involved in any other case and he is ready and willing to join the investigation.

Notice of motion.

Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of respondent-State and seeks time to file reply/status report.

Mr. Parvez Akhtar Dhaliwal, Advocate, has appeared on behalf of the complainant and has filed his vakalatnama, which is taken on record.

Adjourned to 13.9.2023.

In the meantime, petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.
- 2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

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3) That the petitioner shall not leave India without prior permission of the court.

Let needful be done before the next date of hearing with advance copy to learned counsel for the petitioner.

To be heard along with CRM-M-24958 of 2023.

19.05.2023
R.S.

(NAMIT KUMAR)
JUDGE