



**215 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-29860-2024

DATE OF DECISION: 21.01.2025

JAIPAL SINGH

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Balbir Singh, Advocate with
Ms. Ramita Puri, Advocate for the petitioner(s).

Mr. R.S. Sekhon, Advocate for the complainant.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

This petition has been filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail in FIR No.0058 dated 03.04.2024 under Sections 419, 420, 465, 467, 468, 471 and 120-B IPC registered at Police Station City Muktsar, District Shri Muktsar Sahib.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

'The petitioner is the father of Amit Thakur who has partnership with Saurav Vanaik for carrying out business under the name and style of M/s Investor Estate's and they (Amit Thakur and Saurav Vanaik) were running their business at DSS1, Ground basement and Top room, The Bazaar in DLF VALLEY PKUC Sector 3 extn, Panchkula, Haryana. The partnership firm was to carry out business of real estate



construction developers, purchase and sale of immovable properties. A partnership deed was executed amongst Amit Thakur and complainant Saurav Vanaik on 18.05.2023 and it got registered with Notary public on 23.05.2023.'

Learned counsel for the petitioner contends that instant FIR has been lodged only on the account of a dispute between his son Amit Thakur and the complainant who were together conducting a business in a partnership firm in the name and style of M/s Investor Estate but the said partnership firm stands dissolved. Learned counsel further further argues that after the dissolution of the said firm, complainant has paid Rs.15,00,000/- to the co-accused Amit Thakur and just to absolve himself of his liability has encountered an arm twisting mode lodged the instant FIR to implicate him in the instant case.

This Court in effort to settle the matter amicably on an earlier occasion vide order dated 04.11.2024 referred the matter to the Mediation and Conciliation Centre of this Court but the said efforts could not succeed and accordingly, the case has been listed before this Court again along with the report to that effect by the learned Mediator.

The arrest of the petitioner was also stayed on 19.07.2024 and since then he is not involved in any other overt act for which this Court can deny to consider the concession of anticipatory bail any further.

Mr. Jaspal Singh Guru, AAG, Punjab, seeks dismissal of the petition on the ground that it is the present petitioner who induced the complainant to buy three plots and an amount of Rs.64,00,000/- was given to Amit Thakur. The petitioner is also attributed the role of preparing forged agreement to sell which bear his signatures according



to the case of the prosecution as set up before this Court during the course of hearing.

At the same time, learned counsel for the complainant adopts the arguments raised by the learned State counsel.

The complainant as well as the State have failed to demonstrate as to whether the petitioner was the beneficiary of any financial transaction which is admittedly made with co-accused Amit Thakur though he happens to be the son of the present complainant.

As far as the allegations qua the whole agreement to sell is concerned, now that the said agreement is within the custody of the investigating officer, the same can be examined and tested as per law, subject to the petitioner's cooperation in the investigation.

At this stage, Mr. Balbir Singh, Advocate, on behalf of the petitioner undertakes that he will join the investigation within a week from today.

In the light of above, the petition is allowed. The petitioner is directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 438 of Cr.P.C which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such



directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 437, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

21.01.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No