
(2010) 08 P&H CK 0416
In the Punjab And Haryana At Chandigarh

Nirmal Singh, Kanwalpreet Singh and Abdul Khan	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision : 12-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438, 438(2)
Penal Code, 1860 (IPC) — Section 120B, 420, 465, 466, 467

Citation : (2010) 08 P&H CK 0416

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Judgement

Ram Chand Gupta, J.—This order will dispose of all the aforementioned petitions bearing Crl.M. Nos. 4842, 3775 and 4567 of 2010, filed by petitioners, namely, Nirmal Singh, Kanwalpreet Singh and Abdul Khan, respectively, u/s 438 Cr.P.C. for grant of anticipatory bail to them in case FIR No. 44, dated 27.1.2010, under Sections 420, 465, 466, 467, 468, 471, 120-B IPC, registered at Police Station Civil Lines, Amritsar.

2. I have heard Learned Counsel for the parties and have gone through the whole record carefully.

3. It has been contended by Learned Counsel for the petitioner-accused Nirmal Singh that he is having no role in alleged cheating of complainant-bank and that in fact he is only a witness to subsequent sale-deed executed in favour of Abdul Khan by Pardeep Mohan and Kanwalpreet Singh and that he had only identified the vendors and there are no allegations that vendors are fictitious persons. Hence, it is contended that no offence is made out against petitioner-Nirmal Singh.

4. It has been contended by Learned Counsel for petitioner-accused Kanwalpreet Singh that he is a bona fide purchaser for consideration from Dilbagh Rai and that even, as per case of prosecution, in the revenue record there was no entry of any mortgage of this land in favour of Punjab National Bank. It is further contended that moreover the loan taken by Dilbagh Rai from State Bank of

Patiala subsequently, has since been adjusted. Hence, it is contended that no offence has been committed by petitioner-Kanwalpreet Singh.

5. It has been contended by Learned Counsel for petitioner-accused-Abdul Khan that he is bona fide purchaser for consideration from Kanwalpreet Singh and Pradeep Mohan, subsequent vendee and that he had purchased the land after verifying from State Bank of Patiala and after obtaining non-incumbrance certificate from the said Bank and hence, no offence has been committed by the petitioner-accused Abdul Khan.

6. Counsel for the State Bank of Patiala also appeared. Manager of the State Bank of Patiala also appeared, as per directions of this Court and stated that the loan, which was advanced by State Bank of Patiala on mortgage of the land in dispute already stands adjusted and nothing is due to the Bank.

7. All these facts are not disputed on behalf of the State as well. Main accused Sukhjit Kaur, her husband Harjit Singh and subsequent vendee Dilbagh Rai are absconding.

8. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

9. In view of these facts and without expressing any opinion on the merits of the case, the present petitions filed by petitioners-Nirmal Singh, Kanwalpreet Singh and Abdul Khan for grant of anticipatory bail are allowed. Petitioners are directed to join the investigation and in case they are arrested, they shall be released on bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C.

10. The present petitions stand disposed of accordingly.