

In the High Court of Punjab and Haryana at Chandigarh

CRM M-12328 of 2015
Date of Decision: April 21, 2015

Pooja Lamb and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Parveen Kumar, Advocate,
for the petitioners.

Paramjeet Singh, J.(Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 01, dated 16.02.2015, under Section 420 of the Indian Penal Code, registered at Police Station NRI, Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioners contends that the petitioners purchased the property in question on 25.01.2011. Thereafter, they have entered into an agreement to sell dated 25.03.2011. Learned counsel further contends that there is no question of receipt of earnest money on 04.02.2010 and 23.09.2010.

I have considered the contentions raised by learned counsel for the petitioners and perused the record.

Admittedly, the petitioners have entered into an agreement

with the complainant. In the agreement, it is nowhere mentioned that the property is subject to charge of Bank of Baroda. When the matter came up for registration of sale deed, then it transpired that the property is already encumbered and a charge of Bank of Baroda is already existing on it. Thus, it is clear that the petitioners have not disclosed the true facts to the complainant at the time of entering into an agreement to sell.

Learned counsel further contends that the existence of the agreement has been denied and the civil suit is pending.

The aforesaid contention of the petitioners cannot be appreciated at this stage, because there are specific allegations that the complainant has been allegedly cheated by the petitioners by concealing the fact that a charge of Bank of Baroda is already existing on the property which is to the tune of Rs. 24,50,000/-. Total consideration for this property is Rs.38,00,000/- and the petitioners have already received much more amount besides the charge. It apparently appears to be a clear case of cheating. Custodial interrogation in this case is necessary.

Keeping in view the gravity of offence, no ground for anticipatory bail is made out.

Dismissed.

April 21, 2015
vkd

[Paramjeet Singh]
Judge