

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-13216 of 2015 (O&M)
Date of Decision: August 31, 2015

Gulshan Rai

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Hemant Bassi, Advocate
for the petitioner.

Mr.Anmol Malik, Asstt. Advocate General, Haryana
for the respondent-State.

Mr.Pardeep Singh Poonia, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.329 dated 20.11.2013
under Sections 406, 420, 452 and 506 IPC registered at Police
Station Naraingarh, District Ambala.

Notice of motion was issued and learned State counsel as
well as learned counsel for the complainant appeared and contested
this petition.

I have heard learned counsel for the parties as well as
learned State counsel and have gone through the record.

The FIR in the present case has been got registered by

Baljinder Kaur @ Balvinder Kaur, who stated that accused Gulshan Rai had contacted the complainant and her husband with dishonest intentions and introduced himself as owner/Director of M/s Geetu Homes Private Ltd. and Maa Naina Builtech Private Limited and purchased the land measuring 91 bigha and 14 biswa of the complainant and his sisters namely Balbir Kaur and Karamjit Kaur @ ₹1,60,00,000/- per acre and instigated the complainant and others to execute the sale deed straightway.

It is also in the FIR that regarding this land, the complainant and other co-sharers have entered into agreement with Jaswinder Singh etc. @ ₹1,37,00,000/- per acre but the same was cancelled by the complainant and others and the earnest money given by Jaswinder Singh was forfeited, regarding which accused Gulshan Rai has given affidavit that he himself will settle the matter with Jaswinder Singh etc. It is further allegation that Gulshan Rai induced the complainant and her husband to execute sale deed of land at lower rate to save stamp duty and income tax. Due to inducement, deal regarding share of land of the complainant along with other co-sharer was done through two sale deeds in the name of Gulshan Rai and Gulshan Rai and others gave a cheque of South Indian Bank and cash as well. Accused Gulshan Rai gave another cheque No.012454 dated 31.12.2012 of ₹1 crore with dishonest intention in order to commit fraud and that cheque was also dishonoured due to reason of 'insufficient funds'.

At the time of arguments, learned counsel for the petitioner

argued that the cheque which is stated in the FIR, is not issued by the petitioner. The agreement was also not executed by the petitioner.

Learned State counsel argued that during investigation, it has been found that Raghbir Lal, was the servant of the present petitioner. Raghbir Lal has given the statement that he has not entered into any agreement nor has issued any cheque but the cheque in question bears signatures of Raghbir Lal, servant of the present petitioner. Learned State counsel also argued that though the petitioner has joined the investigation but he is not giving the transaction details and not producing the documents.

Keeping in view the nature and gravity of the offence and the fact that the petitioner has cheated the complainant and other co-sharers for huge amount and further in view of the fact that petitioner is required for custodial interrogation, I do not find it a fit case where petitioner is entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

August 31, 2015
Vgulati

(INDERJIT SINGH)
JUDGE