

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Crl. Misc. No. M-13934 of 2015

Date of decision: - 08.09.2015

Ranjit Singh and another

...Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Sanjeev Manrai, Senior Advocate
with Mr. Dinesh Trehan, Advocate,
for the petitioners.

Mr. A.S. Kler, D.A.G., Punjab,
for the State.

Mr. Sarbjeet Singh Khaira, Advocate
for respondent No.2.

SHEKHER DHAWAN

Present petition for grant of anticipatory bail to both the
petitioners.

2. Relevant facts of the case that the petitioners allegedly received
earnest money of ₹50 lacs on the basis of agreement of sale of land
measuring 268 kanals 10 marlas in favour of complainants Harjit Kaur and
Sukhwinder Kaur and Hardev Kaur, on the basis of incorrect facts and in
fact they were not the owners of the land. Subsequently, petitioners issued a

cheque of ₹50 lacs in favour of complainant Harjit Kaur but the same was

dishonored. Thereafter, payment of ₹10 lacs made by the petitioners and also executed another agreement of sale in lieu of remaining amount of ₹40 lacs. Despite all these, the petitioners resiled from agreement. Complainant made statement before the police. At that time, another sum of ₹10 lacs was paid by the petitioners but later on petitioners refused to repay the balance amount of ₹30 lacs and on the complaint filed by complainants, the present case under Sections 420 and 120-B IPC was registered them.

3. Learned counsel for the petitioners mainly contended that the payment, if any, is to be made by Jasbir Chand Sawa, who is business partner of Amit Kakkar. More so, compromise was entered between the parties and at that time, Jasbir Chand Sawa admitted his liability to make the payment and there was no question of any liability on the part of present petitioners and as such there is no question of any recovery from the petitioners. So, the interim order dated 01.05.2015 be made absolute.

4. Learned State counsel contended that the petitioners had joined the investigation but recovery has not been effected. Their custodial investigation is required for the purpose of proper investigation. The liability to pay the amount is of present petitioners only, as cheque was issued by them. The agreement of sale was also executed with them. Otherwise there was no question of issuance of cheque of ₹50 lacs in favour of complainants. So, the present bail application be dismissed.

5. Having considered the submissions made by learned counsel for the parties and the fact that custodial investigation of the petitioners is required, as it is a case of cheating on false representation of facts and claimed to be owners of the land. However, without expressing anything on

merits of the case, at this stage, custodial investigation of the petitioners is required.

6. Resultantly, the present petition for anticipatory bail of petitioners stands dismissed.

September 08, 2015

naresh.k

(SHEKHER DHAWAN)

Judge