

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

CRM-M-15658-2015 (O&M)
Date of decision : 25.08.2015

Jaspal Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. H.S. Sullar, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Vijay Kumar.

Mr. Vivek Salathia, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J.

The present 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.488 dated 23.12.2014, registered under Sections 420, 120-B of the Indian Penal Code, (for short, 'the IPC') at Police Station Civil Lines, Amritsar.

The learned counsel for the petitioners contends that the dispute is essentially civil in nature. An agreement to sell has been entered into between the parties on 16.09.2013. The petitioners are ready and willing to refund the earnest money i.e. Rs.30.00 lacs or even

to get the agreement executed.

On the other hand, the learned counsel for the respondents submit that the case against the petitioners has been registered by the Economic Offences Wing, Amritsar, after due inquiry. The petitioners enhanced the amount of loan from Rs.38,40,000/- to Rs.88,30,000/-, after entering into agreement to sell with the complainant, with an intention to cheat him.

Heard.

In the agreement to sell dated 16.09.2013, there is no mention of the C.C. Limits having been availed by the petitioners apart from the loan of more than Rs.38,00,000/-. It was also mentioned in the agreement that the loan amount of Bank of India would be cleared before 30.05.2014. Instead of clearing the said loan, the loan was got transferred to Indian Infoline Housing Finance Ltd and the amount was also enhanced to Rs.88,30,000/-. All this was done at the back of the complainant.

In view of the above, this Court does not find any ground to grant pre-arrest bail to the petitioners.

Dismissed.

25.08.2015
atulsehi

(JITENDRA CHAUHAN)
JUDGE