

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

CRM-M-16754-2015

Date of decision: 06.08.2015

Munna Lal Gupta

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Adarsh Jain, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Punjab.

Mr. Ram Bilas Gupta, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.226 dated 11.06.2013 under Sections 420, 467, 468, 471, 120-B IPC, registered at Police Station Sarai Khawaja, Sector-37, Faridabad, District Faridabad.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He places reliance on authority letter (Annexure P-4), to contend that he never authorised Sushil Kumar for selling the land owned by the complainant. He further submits that if Sushil Kumar, co-accused of the petitioner has misused the authority letter (Annexure P-4), no fault can be found with the petitioner in that regard. He

prays for allowing the present petition.

On the other hand, learned counsel for the State submits that not only the investigating agency but Sub Divisional Officer (Civil), Faridabad has also found the petitioner to be responsible for the sale of land of the complainant to different persons. During a detailed inquiry conducted by the Sub Divisional Officer (Civil), petitioner could not produce any relevant document to show that he was entitled to sell the land of the complainant. He also refers to an order dated 16.02.2015 passed by this Court in ***CRM-M-3760-2015 (Vinod Bhati Vs. State of Haryana)***, to contend that co-accused of the petitioner was also denied the concession of anticipatory bail by this Court. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has not been found entitled for the concession of bail pending trial. It is so said because the petitioner has been found involved in the present case. He has been selling the land owned by the complainant, without any authority letter, thereby defrauding not only the complainant but poor purchasers also, after extracting money from them, on the false assurances that title was being passed on to them. This was done by the petitioner despite knowing fully well that he had no authority to do so..

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that custodial interrogation of

the petitioner would be a compulsive necessity of the investigating agency so as to conduct an effective investigation. No case for anticipatory bail is made out.

Dismissed.

06.08.2015
vishnu

[RAMESHWAR SINGH MALIK]
JUDGE