

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

CRM No.M-19341 of 2015
Date of decision: 07.08.2015

Devinder Kumar Sharma ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. APS Shergill, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab

Mr. Ravinder Hooda, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By way of second petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.165, dated 04.11.2014, registered under Sections 406, 420 of the Indian Penal Code at Police Station Kurali, District SAS Nagar, Mohali.

It is asserted that the complainant filed a civil suit prior to the registration of the FIR wherein, the petitioner was arrayed as proforma defendant, therefore, the learned counsel for the petitioner contends that it is a case of civil liability and the FIR in these circumstances cannot be registered against the petitioner. Learned counsel for the petitioner further submits that the petitioner has also approached Hon'ble Supreme Court for transfer of the trial outside the State of Punjab. The learned counsel for the petitioner cites **Guru**

Granth Saheb Sthan Meerghat Vanaras VS. Ved Prakash and others, passed in Civil Appeal No.4166 of 2013, decided on 01.05.2013 and **Gopal Krishan Hooda VS. State of Punjab,** passed in CRM-M-24786 of 2013, decided on 04.04.2014.

On the other hand, the learned State counsel opposes the bail application and contends that the petitioner got the complainant arrested in an FIR under Section 307 IPC. While the complainant was in custody, the petitioner got the entire land under agreement transferred in his name, whereas, the entire payment of Rs.1,03,62,000/- was made by the complainant. She further submits that the petitioner is not involved in any other FIR.

Heard.

Perusal of the record would reveal that the earlier bail application filed by the petitioner was dismissed on merits by this Court vide order dated 23.12.2014 and SLP No.371 of 2015 filed by him against order dated 23.12.2014, was also dismissed by the Supreme Court on 22.01.2015. The petitioner in a deceitful manner got the entire land transferred in his name whereas the entire payment was made by the complainant, therefore, taking into consideration the specific allegation and role of the petitioner, no case is made out for the bail.

Dismissed.

07.08.2015

ashok

(JITENDRA CHAUHAN)
JUDGE