

CRM-M-19757 of 2014

Date of decision: January 20, 2015

Rajbir and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA**Present:** Mr. Sanjiv Gupta Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. N. S. Shekhawat, Advocate
for the complainant.**SABINA, J**

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.329 dated 23.05.2014 registered under Sections 406, 420, 467, 468, 471, 120-B of Indian Penal Code (for short IPC) at Police Station City Thanesar District Kurukshetra.

Prosecution story of the case in brief is that all the accused were working as property dealers. In January 2012, accused met the complainant and informed him that Satyawan was owner in possession of 7¼ acres of land at village Singhpura and Bhainsi Majra, Tehsil Pehlowa, District Kurukshetra and wanted to sell the same. Agreement to sell was executed between the complainant and Satyawan on 21.07.2012. Complainant paid Rs.5,00,000/- in cash to the seller and another sum of Rs.25,00,000/- by cheque, towards earnest money. However it transpired that the said Satyawan was a fictitious person and was not the owner of the property.

Learned counsel for the petitioners has submitted that the dispute between the parties could be said to be purely civil in nature. Petitioners were not signatories to the agreement to sell in question. Complainant had already filed a Civil suit against Satyawar for specific performance of the agreement to sell. Satyawar had filed a complaint against the complainant party and FIR in question was a counter-blast to the said complaint. Satyawar accused had been arrested and has been ordered to be released on bail.

Learned State counsel who is assisted by the counsel for the complainant, on the other hand, has opposed the petition and has submitted that all the accused were working as property dealers and by producing a fictitious person had got the agreement to sell in question executed in favour of complainant. Complainant was made to part with Rs.30,00,000/-. Petitioner is required to custodial interrogation.

The present case was referred to Mediation and Conciliation Centre at the request of the counsel for the parties, however, settlement could not be arrived at between the parties.

As per the prosecution story all the accused including the petitioners had met the complainant and had assured him that the person produced before him as Satyawar was owner of the land in question. In fact the

accused had produced a fictitious person and agreement to sell in question was executed in favour of the complainant. Complainant was made to part with Rs.30,00,000/-. The said amount has not been recovered so far. Petitioners are required for custodial interrogation.

Keeping in view the seriousness of allegations levelled against the petitioners, no ground for grant of anticipatory bail to the petitioners is made out.

Dismissed.

**(SABINA)
JUDGE**

January 20,2015

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