

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

CRM-M No.20480 of 2015
Date of decision: 10th July, 2015

Balwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sahil Kaushal, Advocate
for the petitioner.

Mr. C.S. Brar, Dy. Advocate General, Punjab
for the respondent.

Mr. Gurmeet Singh, Advocate
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Balwinder Singh in this anticipatory bail application in case FIR No.19 dated 07.03.2015 registered at Police Station Maloud, District Ludhiana under Section 420 IPC are that he happens to be the owner of four shops situated in Kheri Somal, Tehsil Payal, District Ludhiana and that he represented to the complainant that all the four shops were free from all encumbrances and on the basis of this representation he sold one shop to the complainant Surinderpal Kaur and in pursuance of which he received ₹2,50,000 from the complainant and executed the sale

deeds in respect of this property in favour of the vendee and subsequently it transpired that all the four shops owned by the petitioner were under mortgage/hypothecation of PNB Housing Finance Corporation, Ludhiana for a sum of ₹15,00,000.

The bail application is opposed on the ground that there is not only oral representation but the petitioner has also given affidavit in support of the said representation that the shops were free from all encumbrances.

It is argued on behalf of the petitioner by Mr.Sahil Kaushal that the complainant was fully aware of the lien that has been created in favour of the financial institution and has volunteered to purchase the shops in spite of the encumbrances. Learned counsel for the petitioner has heavily relied upon documents (Annexures P2 and P3) and has stated that nothing is to be recovered from the petitioner.

Appreciating these arguments, the prima facie allegations spell out evident deceit and misrepresentation by the petitioner and thus, without adverting on to the merits of the case, custodial interrogation of the petitioner is very essential for comprehensive investigation and thus, no ground is made out to grant anticipatory bail to the petitioner in this case.

The petition stands dismissed accordingly.

(FATEH DEEP SINGH)
JUDGE

July 10, 2015
rps