

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

CRM-M-20628 of 2015

Date of Decision: September 04, 2015

Jasmer Singh ...Petitioner

Versus

State of Haryana ...Respondent

CRM-M-23854 of 2015

Gurmail Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Budhwar, Advocate
for the petitioners.

Mr. Deepak Saberwal, Addl A.G. Haryana.

Mr. Jatinder Pal Singh, Advocate
for the complainant.

FATEH DEEP SINGH, J.

These are two petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.329 dated 5.06.2015 under Sections 420,406,120-B of IPC and Section 506 IPC (subsequently added) at Police Station City Jagadhri, District Yamuna Nagar.

The allegations against the petitioners are that petitioner-Jasmer Singh being an owner of land situated in Village

Bakali, District Kurukshetra and petitioner-Gurmail Singh being his frontman on 16.11.2014 entered into an agreement to sell of this land with complainant Madhav Chand and which agreement was antedated 30.5.2014 so as to deceive the alleged prospective buyers and took ₹30 lacs from the complainant and balance amount was to be paid by 22.12.2014 and as a part of this conspiracy introduced another person namely Rajinder Pal Singh to be prospective buyer so that complainant may not doubt the credibility of the agreement on the pretext of purchasing this land on lesser value and subsequently the complainant entered into another agreement and, thus, received the balance amount of ₹30 lacs and which was on the assurance of the accused that in view of the escalating land price they would facilitate the new buyers at a much higher price and the complainant in order to facilitate execution of the sale paid another amount of ₹20 lacs to the accused and, thus, the petitioners duped the poor complainant.

The contentions of the learned counsel for the petitioners that it was at the behest of the complainant Madhav Chand subsequently agreement Annexure P/3 was entered and that it was the complainant who has issued legal notice Annexure P/7 dated 17.3.2013 arising out of this agreement to which the petitioners have responded by way of Annexure P/8 and had shown their readiness and willingness and that there is no allegation against the petitioner Jasmer Singh for having cheated the complainant and that the dispute was purely civil in nature are opposed on behalf of the State contending that the same very land owned by Jasmer Singh subsequently and prior to the present agreement was promised to be sold by same set of persons

to different persons and each of the prospective buyers have due money which is running into crores of rupees and that the present petitioner Gurmail Singh is facing similar charges in three other complaint cases which are still under investigations.

Having regard to the fact that accused petitioners along with their accomplices have managed to enter into an agreement to sell pertaining to the same very land with different prospective buyers and have duped the poor complainant and keeping in view the enormity of the allegations against the petitioners and that the custodial investigation of the petitioners is essential, both the petitions stand dismissed.

(FATEH DEEP SINGH)
JUDGE

September 04, 2015
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