

CRM-M-25037-2015

1

In the High Court of Punjab and Haryana at Chandigarh.

CRM-M-25037-2015

Date of Decision:17.08.2015

Rajeev Kumar

...Petitioner

Versus

U.T. Administration and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.K. Bhatti, Advocate,
for the petitioner..

Mr. Gautam Dutt, Advocate,
for U.T. Administration.

SABINA, J.

Petitioner has filed this petition under Section 438 of Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.3 dated 06.01.2015 under Section 420 of the Indian Penal Code, 1860 registered at Police Station Sector 17, Chandigarh.

Prosecution story, in brief, is that complainant and his wife had planned to buy a plot in Palm Garden at Mullapur. Complainant had initiated the process through Munish Batra. The deed was signed between Munish Batra and the petitioner. Complainant had paid Rs.16,12,500/- to Munish Batra and Rs.34,000/- to the petitioner by way of commission. Out of Rs.16,12,500/- paid to Munish Batra,

CRM-M-25037-2015

2

Rs.3,00000/- had been given to him through the petitioner, whereas the rest of the amount was paid directly to Munish Batra. Although the complainant had paid the agreed amount to Munish Batra, but till date they had not handed over the legal documents qua the plot in question.

Learned counsel for the petitioner has submitted that so far as the petitioner is concerned, he was an agent on behalf of the complainant and had received only Rs.34,000/- towards his commission. As per the FIR, allegations have been levelled against Munish Batra.

Learned counsel for the administration, on the other hand, has opposed the petition and has submitted that in fact, it was the petitioner who had introduced the complainant to Munish Batra. The agreement to sell dated 25.02.2014 was signed by the petitioner as a witness. Munish Batra was not attorney holder of Manohar Singh & Company, Mullapur and could not execute the said agreement to sell. Petitioner is required for custodial interrogation.

In the present case, allegations levelled against the petitioner are serious in nature. In fact, as per the prosecution story, petitioner had introduced the complainant to Munish Batra. The complainant paid the amount in question to Munish Batra believing that he was an attorney holder of Manohar Singh & Company, Mullapur. However,

CRM-M-25037-2015

3

Munish Batra was not the attorney holder of Manohar Singh & Company, Mullapur. The agreement to sell, executed by Munish Batra in favour of the complainant has been attested by the petitioner as a witness. Petitioner was granted interim bail by the learned Additional Sessions Judge, but he had failed to join investigation. The petitioner is required for custodial interrogation.

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

Dismissed.

August 17, 2015
kapil

(SABINA)
JUDGE