

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-31376 of 2014
Date of Decision: 19.02.2015.

Phool Kumar and anotherPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Aman Pal, Advocate
for the petitioners.

Ms. Dimple Jain, AAG, Haryana.

Mr. Parminder Singh, Advocate
for the complainant.

SABINA, J.

Petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No. 447 dated 5.6.2014 under Section 406, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station Civil Lines, District Karnal.

Prosecution story, in brief, is that the accused in connivance with each other, had defrauded the complainant party to the tune of ₹ 93,50,000/-. Accused Vikram had approached Pirthi Singh and told him that 10 *killas* of land in village Badarpur belonged to Phool Kumar, Pawan Kumar and Sukhdev sons of Dharam Pal. Pawan Kumar son of Mange Ram had agreed to buy the said land and agreement to sell in this

regard was executed between the parties. ₹ 1,30,00,000/- had been paid in terms of the agreement to sell. However, Pawan Kumar son of Mange Ram wanted to sell the land as he was in need of money. Relying on the facts narrated to the complainant party, they agreed to purchase the land. ₹ 50,00,000/- were paid by Ishwar Singh, Mahabir Singh and Pirthi Singh to Pawan Kumar Sarpanch. Vikram Singh stated that he would pay ₹ 35,00,000/- to Pawan Kumar Sarpanch. On 10.9.2012, agreement to sell was reduced into writing and the sale deed was to be executed on 10.3.2013. In all, earnest money to the tune of ₹ 85,00,000/- was paid to Pawan Kumar Sarpanch. It is further case of the complainant party that they handed over ₹ 43,50,000/- to Pawan Kumar Sarpanch on 12.12.2012 and a writing in this regard was made on the back of the agreement to sell. However, the sale deed was not executed in favour of the complainant party and due to this reason, they got suspicious. Thereafter, the date for execution of the sale deed was extended from 6.3.2013 to 25.8.2013. Then the complainant party came to know that Phool Singh, Pawan Kumar, Sukhdev Singh, Pawan Kumar Sarpanch and Vikram Singh dealer had cheated/defrauded them in connivance with each other.

Learned counsel for the petitioners has submitted that the petitioners are owners of the property in question. They had not received any amount from the complainant party. Petitioners have been falsely involved in this case.

Learned State counsel, who is assisted by Assistant

Sub Inspector Shiv Charan, has submitted that although, petitioners have joined investigation but had not cooperated with the investigating agency as the recovery of the amount in question has not been effected so far. Petitioners are required for custodial interrogation.

Learned counsel for the complainant has submitted that in fact, petitioners in connivance with their co-accused had defrauded the complainant party.

In the present case, the allegations levelled against the petitioners are serious in nature. As per the prosecution case, petitioners and their co-accused, in connivance with each other, have defrauded the complainant party to the tune of Rs. 93,50,000/-. Petitioners are required for custodial interrogation.

Dismissed.

**(SABINA)
JUDGE**

February 19, 2015
Gurpreet