

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.35122 of 2015

Date of Decision:-08.12.2015

Vijay Kumar.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Nitin Kant Setia, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Harjinder Singh.

Mr. Anupam Gupta, Senior Advocate assisted by
Mr. Abhishek Sharma, Advocate for the Complainant.

JASWANT SINGH, J.(ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Vijay Kumar in case FIR No.154 dated 8.7.2015 for offences punishable under Sections 405, 506, 425, 417, 418, 420, 423 of Indian Penal Code registered with Police Station Zirakpur.

As per allegations levelled by the complainant Jaswinder Kaur, petitioner accused along with his wife who is owner of Plot No.62-A measuring 2 Biswas situated at Baltana Market, had induced the complainant to purchase the said plot and accepted a sum of Rs.20 lacs as earnest money out of total sale consideration of Rs.42.60 lacs. However,

subsequently they had resiled from their part of the contract and have caused wrongful loss to the complainant amounting to Rs.60 lacs and have resultantly made a wrongful gain.

Complainant and the accused had entered to an agreement to sell in respect of the property in question for a total consideration of Rs.42,62,000/-. Initially Rs.20.00 lacs was paid on 28.02.2012 and the registry was to be executed on 28.01.2013. Instead of keeping their word, the accused induced the complainant to further pay Rs.5.00 lacs, which was paid by the complainant and the date of execution was extended to 15.05.2013. Subsequently also another sum of Rs.35.00 lacs was parted by complainant on the asking of the accused on the pretext that the property is disputed and the excess amount shall be returned. The accused neither got the registry executed nor returned the amount. Even a cheque of Rs.35.00 lacs given by the accused in favour of the husband of the complainant also dishonoured.

Reply by way of affidavit of SP, Dera Bassi, District SAS Nagar, Mohali on behalf of the State has also been filed, which is taken on record. It is stated in the reply that the petitioner is also involved in three other cases except the present one as detailed in the reply.

Counsel for the parties heard at length.

The allegations are serious and a huge amount of Rs.60.00 lacs have been pocketed by the petitioner by inducing the complainant. Besides, the affidavit of Superintendent of Police, Dera Bassi has informed that he petitioner is already involved in three other cases out of which two are regarding cheating and third pertains to the offence under NDPS Act. Since,

the accused (petitioner) is directly involved in this offence and, therefore, the concession of pre-arrest bail which is extra ordinary in nature cannot be extended as the custodial interrogation may unravel other important truth pertaining to the case.

In view of the above, finding no merit in the present petition seeking anticipatory bail, same is hereby dismissed.

**(JASWANT SINGH)
JUDGE**

December 08, 2015
Vinay