

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

Date of decision:15.10.2015

Gaurav Arora

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Vinod S.Bhardwaj,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Prayer is for grant of anticipatory bail in case FIR No.357 dated 18.10.2012 under Sections 420,467,468,471,120-B IPC, DLF Qutab Enclave,Gurgaon.

Undisputed facts are that plot no.467,Sector 27,Gurgaon belonging to EWS category was allotted to one Sushil Kumar in the year 2001 and there was an embargo on its sale till 2011. Petitioner claims to have purchased the same after paying full consideration, albeit, without any documents. Thereafter, admittedly the petitioner executed an agreement to sell dated 31.5.2006 with complainant Harminder Pal Singh for the sale of the said plot and received the total sale consideration of Rs.22.35 lacs. In the agreement to sell (P-4) concededly he posed as owner and in possession of the said plot although it cannot be disputed that he was not recorded the owner nor

he disclosed that the same was owned by Sushil Kumar. The said transaction is stated to have been conducted through a property dealer namely Bharat Bhushan. Since after lifting of the embargo the conveyance deed was not got executed in favour of the complainant and instead effort was made to get it in favour of co-accused Ashish Deora hence FIR lodged.

Learned counsel contends that complainant had himself approached the Property Dealer for getting the conveyance deed and so far as the petitioner is concerned he has tendered all the documents to complainant and therefore, no offence is made out against the petitioner.

After hearing the learned counsel this Court is not persuaded to accept the pleas raised on behalf of the petitioner.

Firstly in the agreement to sell it is fraudulently claimed that he is owner. In fact he was not the owner of the said plot. Secondly even after lifting of the embargo on its sale, no efforts are shown to have been made for getting conveyance deed executed in favour of the complainant by the petitioner in spite of having pocketed the entire sale consideration.

Keeping in view the nature and gravity of the offence, no case for anticipatory bail is made out.

Dismissed.

15.10.2015.
joshi

(Jaswant Singh)
Judge