

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-36792 of 2015

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Date of decision:10.12.2015

Raghbir Lal

...Petitioner

v.

State of Haryana

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Shailendra Sharma, Advocate for the petitioner.

Mr. Anmol Malik, Assistant Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.329 dated 20.11.2013 registered for the offences under Sections 406, 420, 452 and 506 IPC and (Sections 467, 468 and 120-B IPC, which were added later on) at Police Station Naraingarh, District Ambala.

Notice of motion has been issued in this case.

Mr. Anmol Malik, learned Assistant Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition. He argued that keeping in view the serious allegations against the petitioner, he is not entitled to the benefit of anticipatory bail.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Haryana appearing for the respondent-State and have gone through the record.

The FIR in the present case has been registered on the written complaint of Baljinder Kaur alias Balwinder Kaur. The allegation in the FIR is that the money of the complainant was grabbed by the accused by entering into agreement to sell of land. It is stated that accused Gulshan Rai with an intention to cheat contacted the applicant and her husband Labh Singh and the accused introduced himself to be the Proprietor/Director of M/s Geetu Homes Private Limited, Chandigarh and Omesh Developers Private Limited, Zirakpur and Maa Nain Builtech Private Limited and with an intention to defraud while in furtherance of common intention with other partners/directors, under a conspiracy, induced the applicant for the purchase of applicant's land in the occupation of applicant and also the share of her two sisters, namely, Balbir Kaur and Karamjit Kaur, which is part of total area measuring 91 Bighas 14 Biswas situated in Village Nagla, Tehsil Dera Bassi, Mohali for consideration of ₹1,60,00,000/- per Killa, which includes 4 Bighas also and in furtherance of common intention to cheat and for their own illegal and wilful benefits, the applicant and other co-sharers were encouraged for the deal by referring the same to be best deal. The complainant believing the words of accused Gulshan Rai got agreed for effecting registry straightaway. All these things were duly settled in the presence of witnesses and other family members. With respect of that land the applicant and other co-sharers settled the deal @₹1,37,00,000/- per

Killa with Jaswinder Singh etc., but this deal was cancelled by the applicant and other co-sharers and the earnest money given by Jaswinder Singh was forfeited and on that account, accused Gulshan Rai had himself sworn an affidavit with respect to effecting settlement with Jaswinder Singh etc. and for making payment. Gulshan Rai along with other accused had induced them for mentioning lesser rate of the land in the registry in order to save stamp duty and income-tax and the applicant believing the above things to be true and due to the inducement, executed two sale deeds relating to own land and lands relating to other co-sharers in favour of the accused Gulshan Rai and others gave part-payment in the form of cheque of South Indian Bank and cash payment. Accused Gulshan Rai gave another cheque of ₹One crore only in discharge of his legal liability in lieu of sale consideration of land which when presented was returned back due to “funds insufficient”.

At the time of arguments, it was brought to my notice that the cheque was having the signatures of Raghbir Lal-present petitioner, who was servant of Gulshan Rai.

In view of the fact that the present petitioner also connived with Gulshan Rai, the main accused and had taken active role in the commission of the offences, I find that the present petitioner is required for custodial interrogation.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offences and the active role played by the present petitioner in defrauding the complaint party and in view of the fact

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that he is required for custodial interrogation, I do not find any ground to grant the benefit of anticipatory bail to the petitioner.

Therefore, finding no merit in this petition, the same is dismissed.

December 10, 2015.

(Inderjit Singh)
Judge

hsp