

205

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41358 of 2015

Date of decision: December 14, 2015

Jasbir Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. D.S. Kahlon, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG Punjab.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.98 dated 26.07.2015, under Sections 420, 34, registered at Police Station Division No.1, Pathankot, Tehsil and District Pathankot.

Prosecution story, in brief, is that complainant had agreed to sell her house to the petitioner for consideration of ₹13,50,000/-. Complainant was told by the petitioner that she had approached the Punjab National Bank for loan to purchase the house and the moment the loan amount was sanctioned/received, she would pay the sale consideration. When the complainant deposited the cheque for encashment, on 02.07.2015, the same was dishonoured due to insufficient funds. Hence, the FIR in question was

registered against the petitioner.

Learned counsel for the petitioner has submitted that in fact, petitioner had sought loan for renovation of the house in question. Petitioner had paid the entire sale-consideration to the complainant before the registration of the sale-deed. The said fact was evident from the terms of the sale-deed Annexure P-3.

Learned State counsel, on the other hand has opposed the petition and has submitted that the petitioner had issued cheque qua the sale-consideration but when the said cheque was presented for encashment, it was dishonoured by the Bank. Petitioner is required for custodial interrogation.

In the present case, allegations levelled against the petitioner are serious in nature. Annexure P-3 is the sale-deed executed by the complainant Meena Kumari in favour of the petitioner. As per the sale-deed, complainant had received the entire sale-consideration to the tune of ₹13,50,000/-. The cheque dated 30.06.2015 issued by the petitioner to the tune of ₹13,50,000/- in favour of the complainant was dishonoured by the Bank, when, it was presented for encashment. During the course of arguments, it has transpired that the petitioner is in possession of the house in question. Thus, the petitioner is in possession of the house in question but the complainant has not been

received the sale-consideration as the cheque issued by the petitioner in favour of the complainant has been dishonoured by the Bank. Petitioner is required for custodial interrogation.

Hence, no ground for grant of anticipatory bail to the petitioner, is made out.

Dismissed.

**(SABINA)
JUDGE**

December 14, 2015
mahavir