

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

CRM No.M-41868 of 2014

Date of decision: 02.11.2015

Kuldeep Mahajan

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Sandeep Gahlawat, Advocate and
Mr. Shiv Charan Bhola, Advocate
for the petitioner.

Mr. Mehardeep Singh, DAG, Punjab
assisted by HC Surinder Singh.

Mr. I.P.S. Kohli, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.64, dated 02.07.2012, registered under Section 420 of the Indian Penal Code (for short 'IPC'), at Police Station Nurpur Bedi, District Rupnagar.

On the statement made by the learned counsel for the petitioner that he will pay Rs. 15 lacs within three weeks of his release from custody, this Court vide order dated 16.02.2015, admitted the petitioner to interim bail for six months. However,

despite specific undertaking, on instructions made by the learned counsel, the petitioner filed SLP No. 6649 of 2015 in which the Hon'ble Supreme Court was pleased to set aside the order and remand the matter to this Court for re-adjudication on merit.

It is contended that the petitioner has been falsely implicated in the instant case. The petitioner had entered into an agreement for selling his land i.e. about 100 acres @ Rs. 2,44,000/- per acre with the complainant on 15.04.2010 and in lieu thereof, he had received Rs. 30,00,000/- as advance money. The last date for executing the sale deed was 10.11.2010. The petitioner got executed sale deed on various dates in favour of the complainant for 45 acres and as per the allegation in the FIR, the petitioner was given an advance of Rs. 84,65,000/- in addition to the other amounts for which the petitioner got executed sale deeds. The petitioner had approached to the complainant several times to execute the sale deed for the remaining land, however, he did not come to execute the same. The learned counsel further contends that the complainant by forging the signature of the petitioner, prepared another agreement to sell and an FIR No. 148 under Section 420 IPC was also got registered against him to this effect. The petitioner is in custody since 13.03.2015.

On the other hand, the learned State counsel as well as the learned counsel for respondent No.2 oppose the prayer of bail

and state that the petitioner has cheated the respondent No.2 and duped a huge amount of Rs. 84,65,000/-, from the complainant in lieu of registration of sale deed in his favour. Neither the sale deed was executed nor the amount in question was returned to the complainant/respondent No.2.

I have heard learned counsel for the parties and perused the record.

There is no evidence on record that the petitioner did not instruct his counsel to make a statement on his behalf on 16.02.2015 when the impugned order was passed. Admittedly, the petitioner had executed the sale deeds of some acres of the land in favour of the complainant/respondent No.2. However, he failed to execute the sale deed of the remaining land in favour of the complainant. Neither he repaid the advance amount of Rs. 84,65,000/- nor did he execute the sale deed of the remaining land in favour of the complainant and thus, cheated the complainant. Keeping in view the role of the petitioner and the fraud committed, no case for bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

02.11.2015

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(JITENDRA CHAUHAN)
JUDGE