

102 +211 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M No.567 of 2015 (O&M)
Date of Decision : 15.01.2015

Umesh Arora and another

.....Petitioners

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Sanjay Kaushal, Sr. Advocate with
 Mr. Arjun Shukla, Advocate for the petitioners.

Mr.S.P.Singh DAG, Haryana.

iv. Whether Reporters of local papers may be allowed to see the judgment?

v. To be referred to the Reporters or not?

vi. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CRM No. 1397 of 2015

CRM allowed. Anexures P-6 and P-7 taken on record.

CRM-M No.567 of 2015

This is a petition for anticipatory bail filed in case bearing FIR
No. 718 dated 01.09.2014, under Sections 419, 420, 467, 468, 471 and 120-B
IPC, registered at Police Station Civil Lines, District Gurgaon.

The allegation is that the land of the complainant was sold by
impersonation and on the very next day it was further sold on a hefty profit.

Today learned senior counsel states that on the previous date
the statement which was made by the previous counsel was unauthorised
and, therefore, he wishes to argue on merits.

On merits learned senior counsel has argued that the one factor which strongly indicates that the petitioners are not involved is the fact that they got the sale deed registered in the name of petitioner No.2 and had they known about the conspiracy they would not have been so unwise to have got the sale deed registered in this manner as that would straight away lead to their door.

On the other hand learned DAG has argued that as per the record the amount of the second sale i.e. Rs. 1,60,00,000/-(Rupees One Crore Sixty Lacs) came in the joint account of petitioners No. 1 and 2 and, therefore, the mere fact that they got the sale deed registered would not be determinative because some times criminals also make mistakes.

Learned senior counsel has further argued that in the application for anticipatory bail filed by co-accused Rakesh and Dharambir it was the stand of the prosecution that they were the main conspirators but they have been granted bail. Learned DAG has countered by arguing that that bail was granted because there was no objective evidence of their involvement and even if one co-accused has been granted bail on a wrong premise it would not entitle another co-accused for the grant of bail.

Keeping in view the nature and enormity of the fraud and the facts, without commenting on the merits of the case I am not persuaded to grant anticipatory bail to the petitioners. The petition is dismissed.

(AJAY TEWARI)
JUDGE

January 15, 2015

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