

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

CRM No.M-6566 of 2015 (O&M)

Date of decision:20.03.2015

Shiv Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Munish Gulati, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

CRM No.9237 of 2015:

Application is allowed as prayed for.

Application is disposed of.

CRM No.9238 of 2015:

Application is allowed as prayed for. Documents at Annexures
P-3 and P-4 are taken on record.

Application is disposed of.

Main case:

The instant petition has been filed under Section 438 Cr.P.C.
seeking concession of pre arrest bail to the petitioner in case FIR No.42
dated 01.02.2015 under Section 420 IPC registered at Police Station City
Fatehabad.

During the course of arguments, it has gone uncontroverted that
the petitioner had executed an agreement to sell on 05.02.2014 in favour of
the complainant in respect of a residential premises built on the land
measuring 6 marlas 4 ½ sarsai and had received a sum of Rs.16 lacs towards

earnest money. On the same very date, a mortgage had been created on the same very property on account of the petitioner having availed of a loan from one Mamta Rani. There are further allegations as regards the petitioner having also prepared an agreement to sell relating to the same very property in favour of one Mohinder Singh prior in point of time i.e. on 03.01.2014. Such fact was not even incorporated in the subsequent agreement dated 05.02.2014 entered into with the complainant namely Radhey Shyam.

Under such circumstances and in view of the allegations, this Court does not find any infirmity in the order dated 12.02.2015 passed by the Additional Sessions Judge, Fatehabad declining the concession of anticipatory bail to the petitioner.

Petition stands dismissed.

20.03.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**