

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

CRM-M 9613 of 2015

Date of decision : 19.05.2015

Aditya Singh Mahanot

....Petitioner

V/s

State of Haryana

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.S. Patwalia, Sr. Advocate with
Mr. Sehajbir Singh, Advocate for the petitioner.

Mr. Vikas Malik, DAG Haryana.

RAJAN GUPTA J.

This is a petition filed under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner vide FIR No. 90 dated 04.02.2015 under Sections 406, 420, 467, 468, 471, 489-B & 120-B IPC at Police Station Gurgaon Sadar, district Gurgaon.

FIR was lodged by Sandeep Singh against the petitioner and co-accused. He alleged that petitioner had agreed to purchase his flat at Gurgaon at the consideration of ₹55.00/- lacs in cash or through cheque. However, complainant did not pay the amount and consideration remained unpaid. An amount of ₹43.00/- lacs was kept in a biometric electronic locker to be opened by servant Padam Singh. This amount was to be delivered to the complainant as part of the total consideration for purchase of the flat. On 04.02.2015, complainant went to the office of Registrar Officer, Dombivali and executed the sale-deed in respect of the property at 7.30 p.m. As decided earlier, petitioner would come to the place of complainant

on 04.02.2015 for completing the transaction. However, matter was postponed to 05.02.2015 due to non-availability of Padam Singh whose thumb impression was required for opening the biometric locker. Petitioner, instead gave a cheque no. 000019HDFC for satisfaction of the complainant. However, Padam Singh went to the house of complainant at 2.00 p.m. when complainant was in a flight. He opened the locker in absence of complainant and took out all the money and tried to flee. Complainant's wife saw all this and cried for help. Padam Singh was caught with the help of neighbours. The bag containing packets of currency was opened. It was found that it contained bundles of ₹500 and ₹1000 denomination. Careful examination showed that only the top and bottom notes of the bundles were real currency notes and in between were plain papers of the same size as ₹500 notes. Other packets were similar in nature.

Learned counsel for the petitioner has vehemently argued that petitioner never committed the crime alleged. Recovery was effected from Padam's Singh possession for which petitioner cannot be held responsible. Petitioner had no reason to defraud the complainant. Thus, he deserves the concession of pre-arrest bail.

Prayer has been opposed by learned State counsel. He has also referred to affidavit of Deepak Saharan, Deputy Commissioner of Police, East, Gurgaon. It is stated in the affidavit that bundles of currency notes purported to be of denomination of ₹500/- and ₹1000/- respectively were recovered. However, all bundles contained plain paper, top and bottom notes being real currency of ₹500/- or ₹1000/- denomination.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It is evident that the allegations in the FIR are serious. During the pendency of investigation, offences under sections 467, 468, 471, 489-B IPC were also added. According to stand of the investigating agency, custodial interrogation of the petitioner is required as the equipment used by him for shaping the plain paper in a manner that they would be of same size as the currency notes, is to be recovered from him. In my considered view, present is not a case where concession of anticipatory bail can be extended to the petitioner. Version of the petitioner that he had no knowledge of the action of his associate/servant, Padam Singh, does not cut the ice. There is no merit in the petition. Dismissed.

May 19, 2015

Ajay

(RAJAN GUPTA)
JUDGE