

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

CRM-M No. 10769 of 2016 (O&M)

Date of decision: 28.07.2016

Gurmeet Singh @ Gurmail Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. A.K. Singla, Advocate
for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by ASI Hans Raj.

Mr. Vinod Bhardwaj, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in case FIR No.26, dated 18.03.2016, registered under Sections 420 and 120-B IPC, at Police Station Dirba, Sangrur.

It is contended that petitioner no.1 is admittedly owner of 44 kanals and 2 marlas of agricultural land qua which an agreement to sell dated 26.12.2015 was executed with Hans Raj, father of complainant Ranjit Singh. The sale price was fixed @

Rs.72 lacs per acre and earnest money of Rs.40 lacs was paid at the time of execution of the agreement to sell and another sum of Rs.60 lacs was to be paid on 02.01.2016. The target date of execution of the sale deed on payment of balance sale consideration was fixed on 05.02.2016. It is further submitted that complainant party has backed out from performing its part of the agreement and thus a false case has been foisted so as to put pressure for refund of the earnest money. It is also submitted that petitioners are still ready and willing to execute the sale deed on receipt of the balance sale consideration. In pursuance of order dated 30.03.2016, the petitioners have joined the investigation.

On the other hand, the learned State counsel submits that though the petitioners have joined investigation, however, the recovery is yet to be effected.

The learned counsel for the complainant submits that petitioners in connivance with each other had cheated the complainant. The rate of the property in the area is less than Rs.20 lacs per acre, whereas in the agreement to sell, the rate has been written as Rs.72 lacs per acre.

Heard.

As per the allegations levelled in the FIR, the petitioners in connivance with co-accused, Pipal Singh @ Vicky

cheated the complainant and had duped the amount of Rs.35 lacs from the complainant. The amount is yet to be recovered. Keeping in view the nature of offence, no case for bail is made out.

Dismissed.

28.07.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No