

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

**CRM No.M-12865 of 2016 (O&M)
Date of Decision: 23.04.2016**

Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Lalit Pathak, Advocate for the petitioner.

Mr. A.S. Syan, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA, J.

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.50 dated 11.03.2016, under Section 420 IPC, registered at Police Station Civil Lines, Patiala, District Patiala.

Counsel for the parties have been heard.

Briefly noticed, FIR came to be registered on the complaint of Jagdish Kaur with the allegations that a certain parcel of land was sold by her to wife of the petitioner, namely, Sukhwinder Kaur and to one Gurmeet Kaur by way of a registered sale deed dated 01.02.2013 but the sale consideration of Rs.18 lacs has not been paid. It is the complainant's version that Rs.70,000/- was paid by cash and the balance amount of Rs.18 lacs by way of cheque and which upon presentation has been dishonoured.

During the course of arguments today, it has gone uncontroverted that cheque No.816952 dated 30.05.2013 drawn on HDFC Bank, Branch Nabha has been issued under the signatures of the present petitioner and issued in favour of the complainant.

Even though, counsel appearing for the petitioner would submit that the entire sale consideration had been made over to the complainant at the time of execution of the sale deed, still no plausible justification has come forth to explain the issuance of the cheque as aforenoticed.

Counsel for the petitioner would submit that in pursuance to the sale deed having been executed, possession of the land could not be delivered on account of a dispute that had arisen between the complainant and her relatives and it is only to secure possession of the land that cheque for an amount of Rs.18 lacs.

The stand taken on behalf of the petitioner does not inspire any confidence. In the FIR, the present petitioner has been described as a property dealer. This Court is aware of the fact that Sukhwinder Kaur and Gurmeet Kaur i.e. co-accused have been granted interim protection. However, the role of the present petitioner is under the scanner. It does not stand to reason that if the entire sale consideration had been made over to the complainant at the time of registration of the sale deed, the present petitioner would issue yet another cheque for an amount of Rs.18 lacs to secure possession of such land.

It is a matter which would require a deep and through probe and for which custodial interrogation of the present petitioner may well be warranted.

Under such circumstances, this Court is not inclined to extend the concession of pre-arrest bail to the petitioner.

Petition is dismissed.

23.04.2016

shubham

**(TEJINDER SINGH DHINDSA)
JUDGE**