

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

CRM-M-15929-2016 (O&M)

Date of decision : 13.12.2016

Kuldeep Mittal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Bipan Ghai, Sr. Advocate,
with Mr. Paras Talwar, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana,
assisted by ASI Harkesh.

Mr. B.S. Khehar, Advocate,
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 438 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking anticipatory bail in case FIR No.182 dated 30.03.2016, registered under Sections 420, 406, 467, 468 and 471 of the Indian Penal Code, (for short, 'the IPC') at Police Station Suraj Kund, District Faridabad.

Learned counsel, inter alia contends that the FIR alleging inadequacy of land transferred was registered after 5 years of the execution of the sale deed. It is argued that the sale deed dated 13.06.2011 was registered on the basis of agreement to sell dated 16.11.2005. The petitioner has repeatedly joined the investigation in pursuance of the orders passed by this Court.

On the other hand, learned State counsel has filed site/status report in pursuance of order dated 20.10.2016, passed by this Court, which is taken on record. It is submitted that though the petitioner has joined the investigation, but he is not cooperating.

Heard.

A perusal of the demarcation report reveals that the petitioner had purchased land measuring 02 kanals, 03 marlas i.e. 1301 square yards forming part of Killa No.41/3, 6/2, 7, 8, 13/2, 14/1, 15/1 kita 7 measuring 33 kanals 02 marlas vide document No.12399 dated 16.11.2005 and thereafter, sold land measuring 19 marlas i.e. 565 square yards to M/s Metromax Buildtech vide document No.6512 dated 14.07.2008. He further sold land measuring 01 kanal 16 marlas i.e. 1085 square yards to M/s Modern Infratech Pvt. Ltd. vide document No.6801 dated 12.08.2011, including the land owned by the State, as noticed in Annexure R-I, the demarcation report prepared by the Naib Tehsildar, Faridabad dated 07.12.2016. Thus, the petitioner has sold land measuring 349 square yards in excess of his share and received a sum of Rs.77.00 lac. This Court is of the considered opinion that it is a fit case where custodial interrogation of the petitioner is necessary.

In view of the above, no case for grant of bail is made out.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of this Court, on the merits of the case.

13.12.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

ATUL SETHI
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I attest to the accuracy and
authenticity of this document
Chandigarh