

213

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-17087 of 2016****Date of decision: August 01, 2016**

Daya Ram

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**Present:** Mr. Deepak Kaushal, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

Mr. Ravi K. Mattoo, Advocate
for the complainant.

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**********A.B. CHAUDHARI, J (Oral)**

Heard learned counsel for the rival parties.

Learned counsel for the petitioner fairly states that the amount of ₹1.15 crores was indeed received by the petitioner by way of earnest money from the complainant. However, he submits that no offence is made out against him as alleged in FIR No.340 dated 09.11.2015, registered under Sections 420, 467, 468, 471, 506 of Indian Penal Code, 1860, at Police Station City Mandi Dabwali, District Sirsa, as it was the complainant himself who vide Annexure P-2 had agreed and directed sale-deed in favour of Gurmit Singh son of Gurjant Singh. He therefore, submits that petitioner cannot be blamed for the transaction not being completed with the complainant. He further submits that he has already joined the investigation pursuant to the order dated 18.05.2016 made by this Court

and therefore, nothing remains to be done, except for making the said order absolute.

Per contra, learned counsel for the complainant as well as learned State counsel submits that Annexure P-2 has been sent for comparison of signatures of the complainant as the complainant specifically saying that the said document is a forged one. In this regard, the investigation is on. Learned counsel for the complainant submits that the petitioner has taken such a huge amount from him and clearly cheated him instead of returning him the money.

This Court asked the learned counsel for the petitioner to deposit the entire amount the petitioner received, but he said it is not possible for the petitioner.

I have seen the impugned order so also the reasons recorded therein, the FIR as well as documents.

Upon hearing learned counsel for the rival parties, I find that the offence is serious in nature and the petitioner having admittedly taken the amount of ₹1.15 crores did not sell the property to the complainant. On the contrary earlier, he sold it to somebody else. The document (Annexure P-2) as on date is alleged to be forged one and unless the investigation is allowed to be completed, it is not possible to grant anticipatory bail to the petitioner.

In that view of the matter, the petition for granting anticipatory bail to the petitioner, is dismissed. Interim order dated 18.05.2016 stands vacated.

(A.B. CHAUDHARI)
JUDGE

August 01, 2016
mahavir