

CRM-M-19375-2014 (O&M)

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

**CRM-M-19375-2014 (O&M).
Decided on: January 8, 2016.**

Subhash Bhandhari and another

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Rajesh Bhateja, Advocate,
for the petitioners.**

Ms.H.K.Athwal, DAG., Punjab.

**Mr.Vijay Sharma, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL).

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Sanjay Gupta alleging that the petitioner in connivance with one Kapil Bhandari entered into an agreement of sale regarding land measuring 2750 sq yards. Complainant paid a sum of Rs.22 lacs to petitioner No.1 and Rs.5 lacs to Kapil Bhandari, non- petitioner but the sale deed could not be executed on the prescribed date as mutation has not been sanctioned in favour of Kapil Bhandari.

As per the story of prosecution, subsequently Kapil Bhandari executed 5 sale deeds regarding 1730 sq. yards of land in

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favour of the complainant and also executed power of attorney regarding 272 sq. yards of land in favour of complainant and received the sale consideration regarding the land sold by sale deeds.

The grievance of the complainant as per the FIR is that later on it came to the knowledge of complainant that some other sale deeds in favour of Ruban Goel and Sangita Malhotra have been executed by the petitioners for 360 sq. yards. Complainant feels cheated as he claims that Kapil Bhandari was not owner of the whole land and was owner to the extent of only 2000 sq. yards of land.

Pursuant to interim order passed by this Court, the petitioners have joined investigation.

Counsel for the complainant has intervened to oppose the application for pre-arrest bail contending that the petitioners had cancelled power of attorney regarding 272 sq. yards but had already received the earnest money. He also alleged that petitioner No.2 and Subhah filed a case against the complainant alleging that mutation of inheritance in favour of Kapil Bhandari is incorrect and he has got no right.

I have heard the learned counsel for the petitioners as well as the complainant. The petitioners are alleged to have cheated the complainant but at the same time, they have returned the earnest money to the extent of Rs.14,50,000/-. The liability of the petitioners is a combination of civil and criminal liability. No civil litigation has been initiated by the complainant till date. During

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pendency of this petition, the challan has been presented and the petitioners have been granted the concession of interim bail by the trial Court.

Taking into consideration the totality of the circumstances, the petitioners can be granted the concession of pre-arrest bail.

The petition is allowed. It is ordered that the petitioners will remain on bail against the bail bonds already furnished by them before the trial Court during pendency of the petition subject to the conditions that they will not make any attempt to tamper with the evidence or delay the proceedings by absenting without sufficient cause.

Nothing said in this order will prejudice the rights of the complainant to take legal proceedings for recovery or enforcement of the legal rights on the basis of any agreement alleged to have been entered into between the complainant and the petitioners.

January 8, 2016.
rka

(M.M.S. BEDI)
JUDGE