

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

CRM-M No. 23649 of 2016 (O&M)
Date of decision: 10.08.2016

Munish Kumar and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Brar, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. CM Munjal, 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.71, dated 27.05.2016, registered under Section 420 IPC, at Police Station City Malout, District Sri Muktsar Sahib.

The learned counsel for the petitioners refers to Annexure P-1, the agreement where the amount of Rs.92 lacs has not been reflected. He states that the matter is essentially of civil nature. In fact the issue is of rendition of accounts. In support of his contentions, the learned counsel cites **Bal Krishna Garodia** Vs. **State of Haryana**, 2011(3) RCR (Criminal) 189 and **Murari Lal Gupta** vs. **Gopi Singh**, 2005(13) SCC 699. He further states that the amount of Rs.92 lacs is not reflected in the income tax returns of the petitioners.

On the other hand, the learned State counsel as well as the learned counsel for the complainant submits that the petitioners entered into an agreement with the complainant. The petitioners are habitual offenders and involved in a number of cases. The learned counsel for the complainant has circulated list of cases indicating the liability of the petitioners towards various financial institutions/individuals.

Heard.

There is a clear recital in the agreement that the petitioners have sold the land in favour of the complainant and have received the settled consideration. However, despite the clear agreement, the petitioners have further sold the land to some other person(s) against consideration. The assertion that the amount of Rs.92 lacs is not reflected in the income tax returns of the petitioners will be a subject matter before the trial Court to look into this aspect of the matter. This Court feels that the conduct and antecedents of the petitioners dis-entitle them to the discretionary relief sought by them. The ratio of case law cited by learned counsel for the petitioners is distinguishable on facts and will not apply in the present case

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

10.08.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No