

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No. M-27254 of 2016

Date of Decision: 17.08.2016

Subhash Rawal

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. R.S. Malik, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. J.S. Bhatia, Advocate
for the complainant.

HARI PAL VERMA J.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.212 dated 25.6.2016 under Sections 420, 406, 467, 468, 471, 120-B IPC registered at Police Station Udyog Vihar, District Gurgaon. The said FIR was registered at the behest of the complainant Ashu Gupta.

Briefly stated, the complainant agreed to purchase land measuring 5 kanals and 14 marlas from Sanjiv Kumar, who was working with the petitioner as a property dealer, for an amount of Rs.4.01 crores and

accordingly, an amount of Rs.1.00 crore was paid by the complainant to the seller. But, thereafter, the complainant came to know that the accused namely Deepak Kumar, Sanjiv Kumar, Saurabh Kumar and Subhash Rawal (the petitioner), in collusion with each other have induced the complainant to pay the said amount dishonestly and have cheated him. Therefore, the FIR in question was got registered.

Learned counsel for the petitioner has argued that Sanjiv Kumar has entered into an agreement with the complainant Ashu Gupta and his father Mahinder Kumar Gupta. Therefore, the petitioner is neither first party to the agreement with Deepak nor second party to the agreement with Sanjiv Kumar, in any manner. Moreover, the petitioner was not in a capacity to sell or transfer the abovesaid disputed land and thus he has been falsely implicated in this case.

On the other hand, learned counsel for the complainant has argued that the petitioner is very much involved in the present land deal. He has colluded with other co-accused and cheated the complainant. Even an amount of Rs.8.50 lacs was transferred in the account of the petitioner by said Sanjiv Kumar on 19.4.2016 from his account in Union Bank of India.

I have heard learned counsel for the parties.

It has been brought to the notice of this Court that this Court in CWP No.10284 of 2010 titled as *Ajanta Engineering Corporation Vs. Union of India & others*, vide order dated 29.5.2014 has restrained the Ajanta Engineering Corporation from using the said land for industrial, commercial or residential purposes and also not to create third party right

or to alienate the land in any manner. But still, the petitioner in collusion with co-accused has cheated the complainant by selling the land in question and money has been transacted in favour of the petitioner. Therefore, the plea on behalf of the petitioner that he is not connected with the transaction cannot be accepted.

Thus, keeping in view the fact that the allegations levelled against the petitioner are serious in nature, this Court does not find any merit in this petition.

Dismissed.

August 17, 2016
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No