

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

CRM-M No.28678 of 2016

Date of decision: August 22, 2016

Sharwan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Johan Kumar, Advocate
for the petitioner.

JASPAL SINGH, J.

The instant petition has been preferred by petitioner-Sharwan Kumar under Section 438 of Code of Criminal Procedure, seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.891 dated 14.12.2015, under Sections 420, 467, 468, 471, 120-B of Indian Penal Code registered at Police Station City Ballabgarh, District Faridabad.

The instant FIR has been registered on the statement of complainant-Mahesh son of Dharam Singh. Petitioner along with co-accused cheated the complainant. They compromised the matter on May 17, 1976 regarding 11 marlas of land and received Rs.19,000/- as per the terms of compromise but contrary to the terms and conditions of the compromise, petitioner along with co-accused executed General Power of Attorney of the aforesaid land in favour of one Baljeet resident of Prithla in order to grab it and accordingly, cheated the complainant.

Learned counsel for the petitioner has contended that petitioner has been falsely implicated in the instant case. He is aged about 60 years.

Co-accused Bhagwati has already been granted the concession of

anticipatory bail. Learned counsel further contended that petitioner is ready to join the investigation and shall abide by all the terms and conditions imposed by the Court in case he is granted the concession of bail.

This Court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioner and gone through the record available on file.

As per the allegations, petitioner along with co-accused Bhagwati has cheated the complainant and executed a General Power of Attorney in order to grab the land of complainant. Moreover, he received Rs.19,000/- from the complainant by involving him in a fake compromise. Moreover, co-accused Bhagwati who has been granted the concession of anticipatory bail is more than 92 years of age, so in the given circumstances, the case of the petitioner is distinguishable from that of Bhagwati.

This Court is of the considered view that the allegations levelled against the petitioner are serious and grave in nature. Custodial interrogation of the petitioner is necessary to unearth all the ramifications involved in the instant case.

In view of what has been discussed above, this Court does not find any ground to grant the concession of pre-arrest bail to the petitioner.

Accordingly, the petition is dismissed.

August 22, 2016
m. sharma/avin

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No