

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

***CRM No.M-30847 of 2015 (O&M)
Date of Decision : 21.04.2016***

Rajpal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.S. Sullar, Advocate for the petitioner.
Mr. Vivek Saini, DAG, Haryana.
Mr. R.S. Madan, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks concession of anticipatory bail in terms of filing the present petition under Section 438 Cr.P.C. in case FIR No.456 dated 16.07.2015, under Sections 420/406 IPC, registered at Police Station City Fatehabad, District Fatehabad.

Counsel for the parties have been heard at length.

It may be noticed that FIR came to be registered on the complaint of District Revenue Officer, Fatehabad. Complainant asserted that the petitioner had sold his entire land measuring 22 kanals 7 marlas vide two separate sale deeds dated 30.03.2007 and 30.04.2007 in favour of Smt. Savitri Devi w/o Het Ram. It so transpires that the land was subsequently acquired for purposes of four laning and widening of the National Highway but on account of non-implementation of a mutation bearing No.3822 in favour of Smt. Savitri Devi, a sum of Rs.23.23 lacs approximately was got transferred in the name of the original owner i.e. the present petitioner.

Present FIR came to be lodged at the instance of District

Revenue Officer, Fatehabad upon the rightful beneficiary i.e. Smt. Savitri Devi having approached the competent authority.

Counsel appearing for the petitioner would contend that even a suit for declaration stand instituted on the basis that the sale deed was never entered into with Smt. Savitri Devi and the amount of compensation deposited in the account of the petitioner was pertaining to his own land.

The stand taken on behalf of the petitioner does not inspire any confidence.

It may be noticed that on a previous date of hearing i.e. on 26.11.2015 time had been sought on behalf of the petitioner to get instructions as regards returning of the amount received under a wrong interest. Thereafter, on 02.03.2016, the contention on behalf of the petitioner was recorded that the quantum of compensation that had been received from the National Highway Authority of India i.e. Rs. 23 lacs approximately was pertaining to land which was under his ownership and separate from the land that has been sold to Smt. Savitri Devi.

Today a somersault is sought to be taken and a copy of plaint is being adverted to, to submit that the sale deed had never been executed in favour of Smt. Savitri Devi. Suffice it to observe that the suit for declaration instituted by the petitioner is after the registration of the FIR.

The deposit of Rs.23.23 lacs approximately on 29.01.2015 in the account of the petitioner is not in dispute.

Learned State counsel has apprised the Court that a sum of Rs.12 lacs cash was withdrawn by the petitioner on the following date i.e. on 30.01.2015 itself. On the same very date, a sum of Rs.6 lac was got transferred by the petitioner to another bank account. On 09.02.2015, a sum

of Rs.3 lac in cash was withdrawn.

Allegations against the present petitioner are serious in nature. Accusations are with regard to misappropriation of public money. Even before this Court, the petitioner has chosen to take different stands on different dates of hearing.

In an overview of the matter, this Court is not inclined to extend in favour of the petitioner the concession of anticipatory bail.

Petition is dismissed.

21.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**