

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM No. M-337 of 2016 (O&M)

Date of Decision: 12.05.2016

Santosh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Suvir Sidhu, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

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**TEJINDER SINGH DHINDSA.J**

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.496 dated 27.11.2014 under sections 419, 420, 467, 468, 471, 120-B, 34 I.P.C registered at Police Station, City Sonapat, District Sonapat.

Learned counsel for the parties have been heard.

Briefly, it may be noticed that the F.I.R came to be registered on the statement of Joginder Kumar, who had stated that in pursuance to agreements to sell having been entered, sale deeds were got registered on 27.8.2013 for a total area of 266 sq. yards i.e. 150 sq. yards from the present petitioner and 116 sq. yards from Surender Singh, co-accused. A total sale consideration of Rs.21,28,000/- is stated to have been made over. Accusation in a nutshell against the present petitioner is that having sold a plot admeasuring 150 sq. yards to the complainant vide registered sale deed dated 27.8.2013 and having received the entire sale consideration amount possession could not be delivered as part of such land already stood acquired by the railway authorities. Accusations, as such, are with regard to cheating, criminal breach of trust and misappropriation of money.

Petitioner was arrested on 16.10.2015.

On the last date of hearing i.e. on 31.3.2016 a categorical stand was taken on behalf of the petitioner that the land sold to the complainant was not a subject matter of acquisition and the plot is still lying vacant on the spot. In the light of such stand a prayer was made for grant of concession of interim bail for a period of four weeks to facilitate handing over and delivery of possession of the plot to the complainant and under the supervision of the concerned revenue official.

Such prayer was acceded to by this Court and interim bail for a period of four weeks commencing w.e.f. 4.4.2016 was granted.

Learned State counsel had today in Court read out a report dated 26.4.2016 of Sh. Ashok Kumar, Kanungo, Sonapat and which clearly states that out of 150 sq. yards to which the petitioner was claiming ownership, 71 sq. yards already stands acquired by the railway authorities and only 79 sq. yards area remains unencumbered.

In the light of the report dated 26.4.2016 of the Kanungo, it would be amply clear that the stand taken on behalf of the petitioner on 31.3.2016 while securing concession of interim bail for a period of 4 weeks was clearly misleading and false.

Under such circumstances, this Court is not inclined to grant the concession of bail to the petitioner, at this stage.

Petition is dismissed.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**12.05.2016**  
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