

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

**CRM-M No.34989 of 2015 (O&M)
Date of Decision: 15.03.2016**

Sita Ram

..... Petitioner

Vs.

State of U.T., Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. P.K.Jain, Advocate for the petitioner.

Ms. Ashima Mor, Additional Public Prosecutor, U.T., Chandigarh
for respondent No.1 assisted by ASI Baljit Singh.

Mr. Pardeep Bajaj, Advocate for the complainant/respondent No.2.

JASWANT SINGH, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner-Sita Ram, who has been booked for having committed the offences punishable under Sections 420 and 120-B of the Indian Penal Code, in a case arising out of FIR No.399 dated 22.09.2015, registered at Police Station Sector 39, Chandigarh (**Annexure P-1**).

It is alleged by the complainant-Surinder Pal Singh, who is working as Sub Inspector with the Punjab Police that the non-applicant/co-accused-Dalbir Singh, who is also working as Sub Inspector with the Punjab Police and the petitioner/accused-Sita Ram have cheated him on the pretext of getting allotted a Housing Board flat/plot in his name as the petitioner/accused is alleged to have very close connections with the high officials of the Chandigarh Housing Board. The petitioner/accused and co-accused Dalbir Singh have been handed over a total amount of Rs.7 lacs for the said purpose. It is further alleged that the accused party had executed an affidavit undertaking to get the work

done by a fixed date, failing which, an amount of Rs.9.56 lacs would be liable to be refunded, and to secure the amount, a cheque dated 30.01.2015 for a sum of Rs.9.56 lacs was issued in favour of the complainant by the co-accused Dalbir Singh, which got dishonoured and proceedings under Section 138 of the Negotiable Instruments Act are pending.

Learned Counsel for the petitioner contends that false and frivolous allegations have been levelled against the petitioner/accused, who has not executed any document or any affidavit either in favour of the complainant or the co-accused Dalbir Singh. He has neither taken any money from the complainant or the co-accused Dalbir Singh nor made any promise of the alleged allotment of a housing board flat/plot.

The petitioner is stated to be working as a Cloth Merchant and no offence as alleged is made out against him.

Learned Counsel for the respondent/UT, Chandigarh has filed an affidavit dated 14.03.2016 of the I.O./Inspector Dilsher Singh Chandel, which is taken on record. Copy of the same has been furnished to learned opposite Counsel. It is stated that during the course of investigation, it has clearly surfaced that the non-applicant/co-accused Dalbir Singh and the present accused Sita Ram had received the said amount from the complainant and in connivance, cheated the complainant on the pretext of getting a flat from the Chandigarh Housing Board. It is also stated that the co-accused Dalbir Singh has handed over photocopy of the diary pages on which there are signatures of the petitioner/accused of the accounts of money handed over to him.

During the previous course of hearing, the parties had been afforded an opportunity for an amicable settlement. The co-accused Dalbir Singh has refunded the amount received by him towards his share whereas the present accused has remained adamant.

Learned Counsel for the U.T. Chandigarh, assisted by ASI Baljit Singh and learned Counsel for the complainant, submits that although the petitioner has joined the investigation but has not cooperated in the same.

After hearing learned Counsel for the parties and keeping in view the nature and gravity of the allegations, it is felt that the custodial interrogation of the petitioner would be required to complete the chain of the investigation. Thus, no case for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition stands dismissed.

March 15, 2016
Gagan

(JASWANT SINGH)
JUDGE