

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-39735 of 2014

Date of Decision: February 9, 2016

Jarnail Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Mr.Deepak Bhardwaj, Advocate
for the petitioner.

Ms. H.K. Athwal, DAG, Punjab.

Mr. K.D.S. Sidhu, Advocate, for the complainant.

-. -

M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Darshan Singh alleging that the petitioner had entered into an agreement of sale of 3.5 acres of land on receipt of Rs.40 lacs as earnest money agreeing to purchase the land at the rate of Rs.45 lacs per acre. The complainant had already sold 27 kanals of land prior to entering into the agreement of sale as such he was left with ownership of only 3

marlas of land. Being aggrieved as a cheated person, the complainant has lodged the FIR.

The petitioner approached this Court and made a statement in the Court on November 20, 2014 that he was actually owner of 3 ½ Killa of land and that he was still ready to execute the sale deed in favour of the proposed vendee i.e. the complainant.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that the petitioner on the basis of forged revenue record persuaded the complainant to part with sum of Rs.40 lacs, as the sale transaction pertaining to 27 kanals of land which was not reflected in the revenue record and was fraudulently concealed by the petitioner to persuade the complainant to part with earnest money. Counsel for the complainant at this stage has argued that as a matter of fact he had not sold 27 kanals but had exchanged the said land with Bhupinder Singh. Reliance has been placed on an agreement of exchange.

I have considered the contention of learned counsel for the petitioner, State counsel and counsel for the complainant. It is apparent that the petitioner had intentionally concealed the transaction regarding 27 kanals of land and not taken any steps to seek the incorporation of the transfer of 27 kanals of land by him to any other person though as per counsel for the petitioner, litigation regarding incorporation of factum of exchange of land is pending. On the basis of the revenue record, which does not make a mention of the alleged transaction of exchange, the complainant was duped

of a sum of Rs.40 lacs. The matter had been sent to Mediation Centre. The petitioner has neither any intention to return sum of Rs.40 lacs nor he is in a position to transfer 3½ acres of land as agreed to by him. It is a clear case of fraud having been played upon the complainant who has stated to be a NRI. The petitioner has been able to get notice issued by making a false statement that he is ready to transfer 3 ½ acres of land to the complainant. The petitioner appears to be an intention from the inception to cheat the complainant. No ground is made out for grant of pre-arrest bail to the petitioner.

The petition is dismissed. The interim order earlier granted is hereby vacated.

February 9, 2016
sanjay

(M.M.S.BEDI)
JUDGE