# IN THE HIGH COURT OF PUNJAB AND HARYANA
# AT CHANDIGARH

CRR No.2443 of 2016.
Decided on:-July 15, 2016.

Gulshan.

.........Petitioner.

Versus

State of Haryana and another

.........Respondents.

***CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.***

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. J.S. Thind, Advocate
for respondent No.2.

***HARI PAL VERMA, J.***

The petitioner has filed the present revision petition against order dated 4.6.2016 passed by learned Additional Sessions Judge, Hisar whereby on the application of respondent No.2 filed under Section 439(2) Cr.PC, the petitioner has been directed by way of show cause notice to deposit the outstanding amount with the bank on the next date of hearing.

Learned counsel for the petitioner has contended that as per the agreement, the petitioner has taken Rs.4 lacs from respondent No.2 in lieu of sale deed dated 30.10.2013, but the other co-accused who have taken the alleged remaining amount from respondent No.2 were declared innocent by the police as respondent No.2 has compromised the matter with other co-accused to the tune of Rs.1 lac each. The petitioner has already deposited Rs.4 lacs with the bank on 8.9.2015 and remaining accused have deposited Rs.1 lac each and in this manner, they have deposited Rs.8 lacs in the bank. Further, Rs.4 lacs have been deposited by respondent No.2 on 11.12.2015. The allegation in the FIR that the petitioner has cheated Rs.18 lacs from the respondent is wrong because as per the agreement, the petitioner has taken only Rs.4 lacs in lieu of the sale deed of his plot. Therefore, the application filed by respondent No.2-complainant is false and has been filed just to harass the petitioner.

Mr. J.S. Thind, Advocate has put in appearance on behalf of respondent No.2 and argued that the sale deed dated 30.10.2013 was executed by the petitioner wherein he has claimed himself to be owner in possession of said plot on the basis of sale deed dated 21.1.2013. He has stated that the plot is free from all kind of encumbrances and dispute. The sale deed also contains that neither this property is mortgaged or pledged with any bank or financial institution nor is subjudiced before any court and no stay has been passed by any court. He has prayed that the present petition deserves to be dismissed.

I have heard learned counsel for the parties.

Learned Additional Sessions Judge, Hisar vide order dated 8.10.2015 while allowing bail to the petitioner has put the following conditions:

a) *that applicant-accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.*

b) *that applicant-accused shall not leave the country without prior permission of the Court.*

c) *the applicant-accused will maintain good conduct during trial and shall attend court regularly.*

d) *The applicant shall be bound to deposit the amount which is found to be payable by the applicant during the investigation.*

There is a specific averment in the sale deed that the plot is free from all kind of encumbrances and dispute. However, when this fact was put to learned counsel for the petitioner, he failed to convince this Court that the plot was free from any encumbrances. Learned Additional Sessions Judge in his order dated 4.6.2016 has clearly mentioned that the land mentioned in the sale deed was found to be mortgaged and, therefore, a show cause notice to the petitioner has been issued to deposit the outstanding loan amount with the bank. There is a specific condition in the bail order dated 8.10.2015 that the applicant shall be bound to deposit the amount which is found to be payable by the applicant during the investigation and, therefore, the petitioner is required to comply with the said condition.

In view of the above, there is no illegality in the impugned order dated 4.6.2016 passed by learned Additional Sessions Judge, Hisar whereby a show cause notice has been issued to the petitioner to deposit the outstanding loan amount with the bank. As such, the impugned order is upheld and the present revision petition, being devoid of any merit, is dismissed.

**(HARI PAL VERMA)**
**JUDGE**

**July 15, 2016**
Yag Dutt