

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

**CRM No.M-1070 of 2017 (O&M)
Date of Decision: April 26, 2017**

Sandeep Kundra

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sanjeev Duggal, Advocate
for the petitioner.

Mr.V.P.S.Sidhu, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Bhanu Pratap Singh, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.160 dated 11.12.2016 under Sections 406 and 420 IPC, registered at Police Station Sadar, Hoshiarpur.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the prosecution version is that Sandeep Kundra being family friend of complainant Ram Partap Yadav, was on visiting terms with him and he projected to be a property dealer and

induced the complainant to invest money in an immoveable property and the

petitioner disclosed to the complainant that a plot measuring 22 marlas is available at very less price and if that plot is purchased, a substantial profit would be earned. The present petitioner borrowed ₹3 lakhs from the complainant and thereafter produced one agreement to sell purported to have been executed in favour of the complainant by one Sukhbir Singh, owner of said property. As per prosecution version, the said Sukhbir Singh and the particulars of the property subject matter of the agreement to sell, were non-existent. It is also argued that even the second attesting witness is non-existent.

These facts have been duly disclosed by learned Sessions Judge, Hoshiarpur, while rejecting the anticipatory bail application. It has been held in that order that said agreement to sell has been witnessed by one Ajay Chanan and the applicant-accused himself. During enquiry, it has been found that neither Sukhbir Singh, the alleged seller of the property nor Ajay Chanan, one of the marginal witness to the agreement, exist. Even the subject matter of the property does not exist.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence, I find that the petitioner is required for custodial interrogation. No ground is made for grant of anticipatory bail to the present petitioner.

Therefore, finding no merit in the present petition, the same is dismissed.

April 26, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No