

CRM-M-19086 of 2017

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

CRM-M-19086 of 2017
Date of Decision: 27.10.2017

Narinder Singh Dehal

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Anmol Rattan Sidhu, Sr. Advocate,
with Mr. Pushpinder Kaushal, Advocate, for the petitioner.
Mr. Vikas Chopra, DAG, Haryana.
Mr. J.S. Mehndiratta, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 438 Cr.P.C has been made for grant of anticipatory bail to petitioner Narinder Singh Dehal in case FIR No.0135 dated 10.05.2017 under Sections 406 and 120-B IPC registered at Police Station Chandimandir, Panchkula.

Briefly stated, co-accused Shushil Jindal introduced complainant to the petitioner as a land developer, who was working as a Superintending Engineer in the Irrigation Department and was running the business of real estate under the cover of his family members. On assurance of the petitioner and co-accused Sushil Jindal, the complainant transferred a total sum of Rs.21 lakh in the accounts of the companies, namely, M/s Westek Industries and M/s Vikram Industries allegedly run by the petitioner. That apart, the complainant also paid a sum of Rs.2.5 lakh in cash on the assurance that the complainant would earn huge profit upon his investment

in the property business so to be transacted by the petitioner and co-accused

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Sushil Jindal. However, when no fruitful result came against the investment of the complainant, he asked the petitioner and his co-accused to return his money, whereupon the petitioner to compensate the complainant, delivered the possession of land measuring 2500 sq. yards comprising khasra No. 317 situated within the revenue estates of Village Bhoj Matour, Tehsil Morni and executed an affidavit qua this effect. However, the complainant came to know that the aforesaid land was not owned by the petitioner and, thus, he was not in a position to transfer the same to the complainant.

Learned counsel for the petitioner contends that both the aforesaid companies are not owned by the petitioner. The petitioner has no role or connection whatsoever with the same. The amount, if any, invested by the complainant in the aforesaid companies is at his own risk. Now in connivance with co-accused Shushil Jindal, the complainant wants to recover the aforesaid amount from the petitioner illegally. The complainant has already filed an application before the revenue officials for transferring the girdawri of the aforesaid land in his favour. The matter is purely of civil nature.

On the other hand, learned State counsel, assisted by learned counsel for the complainant, strongly opposed the prayer for grant of anticipatory bail, contending that both the aforesaid companies, namely, M/s Westek Industries and M/s Vikram Industries are owned and possessed by the petitioner's wife and son. Since the petitioner at the relevant time was in Government job, therefore, under the cover of his wife and son was running the aforesaid companies. In fact, a sum of Rs.40.50 lakh was paid to the petitioner, out of which Rs.21 lakh through bank transaction and remaining

in cash. The aforesaid companies are wrongly claiming to have refunded the amount of Rs.9.00 lakh to the complainant, but the same has not been

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refunded, rather the same, after depositing in the account of complainant, was taken back in cash on false pretext. Similar complaints (Annexures R-3 to R-5) of usurping the money of various people are pending against the petitioner. Even the girdawri of the land, possession of which was allegedly delivered to the complainant, is in the name of some stranger. He is an habitual offender and has cheated and committed fraud with many persons by alluring them that he would get them good profit by investing their money in the immovable property.

Considering over-all facts and circumstances, but without commenting on the merits of the case, this Court is of the considered view that petitioner does not deserve the concession of anticipatory bail.

Accordingly, the petition is hereby dismissed.

October 27, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No