

CRM-M-25162 of 2017

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

CRM-M-25162 of 2017
Date of Decision: 17.07.2017

Hans Raj

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. J.S. Thind, Advocate, for the petitioner.

RAMENDRA JAIN, J. (ORAL)

In the instant petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case arising from FIR No.67 dated 07.05.2017 under Sections 420, 467, 468, 471 IPC registered at Police Station Sadar Sirsa, District Sirsa.

Complainant Jagtar Singh got registered the aforesaid FIR against one Rakesh Kumar on the allegations that Rakesh Kumar on 28.03.2017 approached him and told that he had entered into an agreement with Sahib Singh son of Chand Singh resident of Musli to purchase his land @ ₹ 11,77,000/- per acre and he was ready to sell the same to the complainant. Consequently, agreement to sell dated 29.03.2017 was executed in between complainant and Rakesh Kumar. The date of registration of sale deed was fixed as 19.05.2017. The complainant had paid ₹ 27,00,000/- through various cheques and cash to Rakesh Kumar. When on the agreed date sale deed was not executed by Rakesh Kumar in favour of the complainant, the complainant enquired from Sahib Singh and came to know that Sahib Singh

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had never agreed to sell his land to Rakesh Kumar and in this way, complainant was cheated and defrauded.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. His name has come in the statement of one Vinod Kumar Bhatia. The petitioner has nothing to do with the alleged transaction in between complainant and accused Rakesh Kumar. Petitioner in no way is the beneficiary. There is delay in lodging the FIR.

At this stage, Mr. Satbir Gill, Advocate, appears on behalf of the complainant and contends that during investigation Vinod Kumar Bhatia suffered a disclosure statement that a cheque amounting to ₹ 5 lakh issued by the complainant was got encashed by him and after payment of borrowed amount of ₹ 28,000/-, balance amount was taken by the petitioner.

Heard.

Considering the over all facts and circumstances of the case, this Court is of the opinion that the petitioner does not deserve the concession of anticipatory bail for the reasons that his custodial interrogation is required to know as to how a cheque worth ₹ 5 lakh in lieu of transaction in between complainant and accused Rakesh Kumar came in the hands of Vinod Kumar Bhatia, who undisputedly encashed the same by depositing in his account and during investigation in his disclosure statement stated that an amount of ₹ 28,000/- was retained by him and the balance was taken by the petitioner.

In view of above, present petition is dismissed.

July 17, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No