

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

**Criminal Misc. No. M-26071 of 2017
Date of Decision:-21.7.2017**

Virender Relan

...Petitioner

Versus

State of Haryana

...Respondent

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

Present:- Mr. Ashwani Antil, Advocate
for the petitioner.

HARI PAL VERMA J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.231 dated 9.6.2017, under Sections 420, 467, 468 and 471 IPC, registered at Police Station Civil Line, District Sonapat.

On the basis of complaint made by Gaurav Batra son of Shri Dev Raj Batra, the SDM (Civil), Sonapat conducted inquiry and the case was registered against the accused. The allegations against the petitioner are that one Usha Batra had purchased a house No.1708, Housing Board Colony, Sector 15, Sonapat vide sale deed No.4093 dated 25.7.2014 from the petitioner-accused. Petitioner had assured her to hand over the

possession of the house, but he sold the same house vide sale deed No.2718 dated 16.6.2016 in favour of Narender. The allegation against the petitioner is that he sold one house to two different persons by way of two different sale deeds.

Learned counsel for the petitioner has argued that the petitioner has neither cheated the complainant nor played a fraud upon her. At the time of execution of the sale deed No.4093 dated 25.7.2014 in favour of Usha Batra, mother of complainant, it was amicably settled between the mother of the complainant (Usha Batra) and the petitioner that the present sale deed has been registered as a security of the loan amount, which was taken by the petitioner from Usha Batra. It was for this reason the sale deed was executed in favour of Usha Batra. He has further stated that the petitioner has paid the entire amount to Usha Batra, but the said Usha Batra has not cancelled the sale deed No.4093 dated 25.7.2014 despite taking full payment.

I have heard learned counsel for the petitioner.

The sale deed dated 25.7.2014 was duly executed in favour of Usha Batra and the petitioner had assured her to hand over the possession. But later on vide another sale deed dated 16.6.2016 the same house was sold by the petitioner to another person, namely, Narender. On the basis of complaint made by the complainant, an inquiry was conducted, wherein it was found that the petitioner has obtained a conveyance deed from the Housing Board with some oblique consideration and thereafter got a sale deed dated 16.6.2016 registered in favour of Narender. In this manner,

petitioner sold the same house to two different persons. Therefore, this Court does not find any reason to admit the petitioner on anticipatory bail.

Dismissed.

July 21, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No