

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

(Sr. No.201)

CRM-M-28182-2015(O&M)

Date of Decision:-February 6, 2017

PREM SINGH

.....Petitioner

V/S

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present : Mr. R.S.Rai, Sr.Advocate with
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Arjun Ahmed, Advocate
for the complainant.

Mr. Chetan Sharma, AAG Haryana.

A.B. Chaudhari, J.

The petitioner seeks the relief of grant of anticipatory bail in case arising out of FIR No. 172 dated 25.05.2015 under Section 406/420/120-B IPC (Sections 467,468,471 IPC added later on), registered at Police Station Hathin, District Palwal, Haryana.

In support of the petition, learned Senior counsel for the petitioner invited my attention to various transactions, by referring to a chart, between the parties. I have carefully seen the chart as well as nature of various transactions pointed out to me by him. Learned Senior Advocate contended that the complainant in this case Bikram Singh himself is a witness to the transaction No. 1 and 2 and was fully aware about the happenings relating to the aforesaid transactions. As a matter of fact,

and when the dispute arose, the FIR was lodged by Bikram Singh. According to him, the dispute amongst the parties relating to lodgement of FIR arose purely out of the business transactions and the nature of dispute is of civil dispute inasmuch as the petitioner is now ready to execute the sale deeds in respect of transactions No. 3 and 4. As a matter of fact, according to him, for transactions No. 1 and 2, the sale deeds have already been executed and the complainant is a signatory to the execution of the sale deeds. Insofar as transaction No. 3 and 4 are concerned, the petitioner is still ready and willing to execute the sale deeds. He therefore contended that there is no element of any mens rea or criminal intention on the part of the petitioner and therefore the interim anticipatory bail, that was granted to the petitioner, deserves to be confirmed.

Per contra learned State counsel as well as counsel for the complainant have vehemently opposed the petition for anticipatory bail. Learned State counsel submitted that the offences are really of cheating, fraud and forgery and they are prima facie made out against the petitioner. What are the transactions that are spoken out by the petitioner are required to be confirmed for which custodial interrogation of the petitioner is necessary.

Learned counsel for the complainant also opposed the petition for anticipatory bail and submitted, inviting my attention to the reply filed by him, that the complainant had in all paid ₹ 16 lacs to the petitioner and his mother and the petitioner has clearly cheated the complainant. According to him the various transactions cited by the petitioner and his readiness to execute the sale deeds is nothing but a hoax and the petitioner is thus trying to mislead this court.

I have heard learned counsel for the rival parties. I have perused the entire record as also the facts stated in the chart produced by the learned Senior Advocate. Perusal of the FIR as well as various transactions about which statements were made before me fairly shows that the parties have been in business transactions, at least four in numbers before me and many were transacted amongst them. In respect of transaction No. 1 and 2 sale deeds have admittedly been executed and the complainant Bikram Singh is also a witness to these sale deeds. Therefore so far as transaction No. 1 and 2 are concerned, there does not appear any grievance so far as the passing of money is concerned as the sale deeds stand executed in two transactions.

Insofar as transactions No. 3 and 4 are concerned, there is a statement in writing on the chart that in lieu of the sale considerations, the petitioner is now even ready to execute the sale deeds. That was also the statement made by the Senior Advocate for the petitioner before me in respect of transactions No. 3 and 4 in the chart. It appears from the FIR as well as the facts stated before me by either of the parties that there are various property transactions between the parties and huge amount has been paid by way of cash transactions. The complainant claims to have paid ₹ 28 lacs while the petitioner is stated to have received ₹ 14 lacs, but then, since the transactions were made in cash, it would not be possible to straightway rely on any of the statements of the parties. Be that as it may, fact remains that the petitioner had made a categorical statement before the court that the petitioner is ready to execute the transactions No. 3 and 4 by registered sale deeds on the above date. In view of the above factual background and the fact that the petitioner has been on interim bail since 02.05.2016 with certain

conditions, the interim bail granted to the petitioner deserves to be confirmed. Hence I make the following order.

ORDER

- i. CRM-M 28182-2015 is allowed.
- ii. Interim order dated 02.05.2016 is confirmed and made absolute.

Petitioner shall join the investigation and cooperate fully with the police authorities regarding interrogation etc.

February 6, 2017

Rajeev

(A.B. Chaudhari)

Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No