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

CRM-M-42039 of 2016

Date of decision: February 13, 2017

Subhash Chand

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. Kunal Dawar, Advocate for respondent No.2.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

This is a petition for grant of anticipatory bail to the petitioner in FIR No.728 dated 11.10.2016, under Sections 406, 420, 467, 468, 471, 506, 120-B of Indian Penal Code, 1860, registered at Police Station Central Faridabad, District Faridabad. This Court had granted *ad interim* anticipatory bail to the petitioner on 28.11.2016.

In support of the petition, learned counsel for the petitioner submitted that the petitioner would transfer the suit property in favour of the complainant since he has obtained a Will and after the Will is acted upon, it will be easy to effect the sale-deed in favour of the complainant. He, therefore, prayed for confirmation of the interim order dated 28.11.2016.

Per contra, learned State counsel as well as learned counsel

for respondent No.2-complainant vehemently opposed the petition for grant of anticipatory bail to the petitioner and submitted that the petitioner is guilty of misrepresentation and admittedly, obtaining amount of ₹35,00,000/- from the complainant under the grab of sale of property which originally belong to Lakhmi Chand and therefore, it is a case of clear-cut cheating made by the petitioner.

After hearing learned counsel for the rival parties, I think it will be appropriate to vacate the interim order dated 28.11.2016. Perusal of the said interim order shows that the petitioner made a categorical statement that the petitioner would transfer the entire property in question to the complainant since he received ₹35,00,000/-. Acting on this statement, this Court had issued notice of motion and also made interim order. The facts, however, reveal that the owner of the suit property was Lakhmi Chand who had already expired on 31.12.2011 but the petitioner cheated the complainant by representing that he would execute sale-deed in favour of the complainant and deliver possession acting as a Power of Attorney holder of Lakhmi Chand. But then Lakhmi Chand had expired on 31.12.2011 but the petitioner executed the document of transfer on 12.04.2012, i.e. after four months deliberately suppressing the fact of death of Lakhmi Chand and he having no ownership rights over the suit property.

Learned counsel for the petitioner stated that the petitioner never knew the death of Lakhmi Chand four months before the transfer of the property by him. It is, however, stated by the learned counsel for

respondent No.2-complainant that both Lakhmi Chand and the petitioner reside in the same village.

At any rate, according to me, the excuse put up by the petitioner about the alleged lack of knowledge about the death of Lakhmi Chand is nothing but a lame excuse and hoax having pocketed huge amount of ₹35,00,000/-. The petitioner cannot be allowed to blow hot and cold. The petitioner is neither willing to return the amount of ₹35,00,000/- to the complainant nor willing to transfer the property as per law. The reference made by the learned counsel for the petitioner to the civil suit etc. and the pleadings in the civil suit have absolutely no relevance in the light of above, prima-facie case about cheating made by the petitioner. There is no substance in the present petition.

Hence, this petition is dismissed. Interim order dated 28.11.2016 granting *ad interim* anticipatory bail to the petitioner, stands vacated.

(A.B. CHAUDHARI)
JUDGE

February 13, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No