

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

CRM-M-42284 of 2017.

Decided on:-December 11, 2017.

Prem Kumar.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

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

Present:- Mr. Vishal Sodhi, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for respondent No.1-State.

Mr. Naveen Batra, Advocate
for respondents No.2 to 4.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.59 dated 16.09.2017 under Section 420 IPC registered at Police Station City Banga, District Shaheed Bhagat Singh Nagar.

The aforesaid FIR was registered at the instance of complainant-respondent No.3 Lakhwinder Pal Babbar. As per the complainant, in the year 2016 he met the petitioner, who was posted as Patwari at Banga. The complainant had shown his desire to purchase some property. The petitioner suggested some good property situated within the revenue estate of Balachaur

and claimed that he had full knowledge about the property and owners of the land, who were otherwise under his control. He could facilitate the sale of property. The petitioner also assured reasonable rate and, rather, projected that the complainant must consider as if the property is owned by the petitioner. The complainant believed the petitioner's version and, therefore, he along with respondent No.1 Kultar Singh and respondent No.2 Ranjit Singh had given Rs.21 lakhs to the petitioner in cash and asked him to execute an agreement. However, at a later stage, the petitioner told the complainant that the owner of the property could not obtain the title of the land, therefore, he would return them (the complainant) the entire amount in double. The petitioner also entered into a compromise for the return of money and pursuantly, handed over three cheques to the complainant. However, on presentation, these cheques were bounced. In this manner, allegation against the petitioner is that he has duped respondents No.2 to 4 by extracting Rs.21 lakhs.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case and even if the agreement/compromise dated 26.05.2016 executed between the petitioner and respondents No.2 to 4 is taken into consideration, the same does not disclose any offence of cheating. The said agreement/compromise shows that a deal could not be struck between the parties because of some unforeseen circumstances. The complainant has a good influence in the local area and, therefore, obtained three cheques from the petitioner under duress and coercion. The complainant has failed to prove that he had ever paid Rs.21 lakhs to the petitioner in cash.

On the other hand, learned counsel for respondents No.2 to 4 has argued that the petitioner has misused his official capacity as Patwari and cheated the complainant and his associates i.e. respondents No.1 and 3 by posing himself as a property dealer and obtained a sum of Rs.21 lakhs from them. When the petitioner failed to strike a deal regarding the purchase of property, he issued three cheques to respondents No.2 to 4, but even those cheques were dishonoured on presentation in the bank. Therefore, the petitioner is not entitled to be released on regular bail.

Learned State counsel concurs with the arguments as raised by learned counsel for respondents No.2 to 4.

I have heard learned counsel for the parties.

The issuance of three cheques by the petitioner shows that he has admitted the receipt of Rs.21 lakhs from respondents No.2 to 4 as those cheques were issued on pressing of demand of money raised by the complainant and when those cheques were presented in the bank for encashment, the same were dishonoured. The petitioner had allegedly told the complainant that the property is under his control and succeeded in extracting a huge amount from the complainant, though at later stage, it was found that the petitioner is not the owner of the property. Since the complainant had acted on the basis of projection made by the petitioner, it cannot be doubted that the complainant has not been cheated by the petitioner.

In view of the above, this Court does not find any merit in the present petition for the grant of regular bail and the same is, accordingly, dismissed.

However, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

December 11, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No