

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

CRM No.M-4425 of 2017 (O&M)

Date of decision:21.04.2017

Abraruddin & another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Pulkit Dagar, Advocate for the petitioners.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Mr. Nihul Partap, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.965, dated 28.12.2016, under Sections 420/406/120-B IPC, registered at Police Station Sector-55, Faridabad.

FIR came to be registered on the complaint of Satya Parkash Tyagi. Allegations in a nutshell against the petitioners are of having entered into an agreement to sell in respect of immovable property. Earnest money having been advanced, the same very property is alleged to have been sold to a third party and thereby the earnest money has been misappropriated.

Contention raised by counsel appearing for the petitioners is that the earnest money had been advanced by the complainant by way of different cheques and which upon presentation had been dis-honoured. Stand taken on behalf of the petitioners is that under such factual position, there was no earnest

money that the complainant had actually paid to the petitioners and as such they were not bound by the obligations as per agreement to sell entered into.

Learned State counsel during the course of hearing today has adverted to the police file and which reflects a different picture. In the police file, there is the agreement to sell and as per which a cash amount of Rs.7 lakhs approximately has been received by the present petitioners from the complainant party.

Learned State counsel further apprises the Court that the petitioners are habitual offenders and there are two other FIRs i.e. FIR No.169, dated 11.04.2015, under Sections 420/406 IPC, registered at Police Station Sector-55, Faridabad and FIR No.611, dated 09.08.2016, under Sections 406/420 IPC, registered at Police Station Sector-55, Faridabad even though lodged at the hands of some other complainants and in which there are similar allegations.

In view of the conduct of the petitioners, this Court is not inclined to extend in favour of the petitioners the concession of pre-arrest bail.

Petition is dismissed.

21.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |