

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

1. CRM-M No.44391 of 2015 (O&M)

Harbans Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.44500 of 2015

Avtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 11th September, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. S.S. Toor and Mr. Rohit Dheer, Advocates
for the petitioners.

Mr. H.S. Grewal, Addl. Advocate General, Punjab
for the respondent/State.

Mr. J.S. Bedi, Senior Advocate with
Mr. Vineet Sehgal, Advocate for the complainant.

FATEH DEEP SINGH, J.

Since both these anticipatory bail applications under Section 438 Cr.P.C., by petitioners Harbans Singh and Avtar Singh respectively, both real brothers, have arisen out of the same very case bearing FIR No.269 dated 19.11.2015 under Sections 406/420/120-B IPC pertaining to Police Station Dera Bassi, District Mohali, are thus being taken up together for disposal to facilitate brevity.

Allegations levelled by the complainant Rajeev Gupta are that for the expansion of his business he through a middle man approached Harbans Singh, Avtar Singh petitioners and Saroop Singh, who were owners of agricultural land situated in village Haripur Kura, Dera Bassi and different agreements were executed pertaining to 59 square yards of this land for which it is alleged that the accused have taken Rs.1.50 crores from the complainant and it subsequently transpired that the land had already been acquired by the Government for which these owners accused had already received compensation through cheques from the Government and have misrepresented the complainant to commit a fraud and cheated him.

Contentions of learned counsel for the petitioners are that it was a pure civil dispute and that the petitioners had offered to return the amount and that nothing is to be recovered from them and has made lengthy arguments harping on the intervention of the Court to bring about compromise.

Mr. J.S. Bedi, Senior Advocate assisted by Mr. Vineet Sehgal, Advocate representing the complainant have vehemently opposed grant of bail to the petitioners on the grounds that the petitioners have failed to reach any reasonable compromise and the very own conduct of the petitioners reflects that after having received compensation and upon acquisition of this very land they had further sold it to the complainant

and therefore a clear cut case of dishonest intention and cheating and have even refused to return back the money or give any alternative land in lieu of the same.

Appreciating the submissions of the two sides, it is much in abundance and evident that after receiving compensation from the Government, petitioners/accused all three brothers have sold this acquired land dubiously thus not only committing fraud with the complainant but with the State as well, are matters of serious repercussions. Custodial interrogation of the petitioners is very much essential in view of the ever growing nefarious and fraudulent acts by the people in the areas around tricity and the courts being tools of social justice, impels this Court to decline the prayer made. More so, provisions of Section 438 Cr.P.C. are to be sparingly used.

Thus, finding no merit in both these petitions the same stand dismissed.

(FATEH DEEP SINGH)
JUDGE

September 11, 2017

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No