

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

CRM-M-5075 of 2017 (O&M)

Date of decision: 19.04.2017

Sanjeev Gupta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.S. Kahlon, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab.

Mr. G.S. Verma, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 92 dated 13.11.2015, registered under Section 420 of IPC, at Police Station City-II Mansa, District Mansa.

It is contended that the dispute is purely of civil nature. During the enquiry conducted by DSP (Investigation), it was found that the petitioner and others have not committed any fraud or cheating. He further states that the petitioner is ready to join the investigation.

On the other hand, the learned State counsel as well as learned counsel for the complainant oppose the bail application and states that the petitioner is the main beneficiary of the alleged

agreement to sell.

Heard.

As per FIR, the petitioner had entered into an agreement to sell of land measuring 13 kanals situated at village Khiala, Mansa for a total consideration of Rs.1,65,00,000/-, out of which it was agreed that Rs.54,00,000/- would be paid as earnest money. Out of aforesaid earnest money, Rs.40,00,000/- was paid to the petitioner against receipt. However, the said land was mortgaged with Punjab National Bank, therefore, the sale deed was not registered in favour of the complainant. This fact has not been brought to the notice of the complainant and in this manner, the petitioner along with co-accused has cheated the complainant. Neither the amount of Rs.40,00,000/- has been refunded nor the sale deed has been executed. Keeping in view the above, no case for pre-arrest bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

19.04.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No