

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

**CRM-M-12484-2018
Date of decision:24.5.2018**

Manuj and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhishek Singh, Advocate
for the petitioners.

Mr. Karan Sharma, Asstt. A.G., Haryana
for the sole respondent.

Mr. S.S. Dinarpur, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J. (ORAL)

Present petition has been filed under Section 438 of the Criminal Procedure Code ('Cr.P.C.' - for short) for grant of anticipatory bail in FIR No.149 dated 24.12.2017 under Sections 120-B, 406, 420, 506 of the Indian Penal Code ('IPC' - for short) registered with Police Station Buria, Yamuna Nagar.

It is contended by learned counsel for the petitioners that there are no allegations against them and neither the alleged amount has

been transferred in their bank account; nor the petitioner were owners of the property at the time of alleged incident. It is further contended that no agreement to sell of any property has been executed by the petitioners and the complainant has concocted a false story. The petitioners are ready and willing to join investigation and nothing is to be recovered from them.

On the other hand, learned State counsel and learned counsel for the complainant have opposed the pre-arrest bail of the petitioners and prayed for dismissal of the same.

Heard learned counsel for the parties and perused the record.

Precisely, the accusation against the petitioners is that they along with other co-accused hatched a criminal conspiracy to extract an amount of ₹47,00,000/- from the complainant under the garb of an agreement to sell arrived at between co-accused Ramesh Chand, who is non-else, rather father of the petitioners. After receiving the amount of ₹47,00,000/-, Ramesh Chand transferred the land in question in favour of both the petitioners and thereafter they (petitioners) transferred the same in favour of their mother Simla Devi. Thus, there are specific allegations against the petitioners also with regard to active participation in the commission of crime and they hatched a criminal conspiracy to deceive the complainant of ₹47,00,000/- and the manner of payment has also been reflected in the FIR. There is prima facie evidence which indicates dishonest intention on the part of the petitioners to cheat the complainant, thereby depriving the complainant from his right of getting the sale deed executed in his favour. The amount involved in the present case is huge

and investigation is still going on, hence, custodial interrogation of the petitioners is necessary for proper and effective investigation. In case such custodial interrogation is denied to the investigating agency, that will leave many loose ends and loopholes, adversely affecting the administration of justice.

In view of the nature and gravity of the offence, no ground for grant of anticipatory bail to the petitioners is made out. The petition thus stands dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

**(MAHABIR SINGH SINDHU)
JUDGE**

24.5.2018
Gaurav Sorot

- | | | |
|----|------------------------------|------------|
| 1. | Whether reportable? | Yes |
| 2. | Whether reasoned / speaking? | Yes |