

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

CRM-M-21102-2016 (O&M)
Date of decision: March 09, 2018

Des Raj ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Singla, Advocate for petitioner
(in CRM-M-21102 of 2016).
Mr. H.S. Randhawa, Advocate for Mr. P.S. Ahluwalia,
Advocate for petitioner in CRM-M-25956 of 2016).
Mr. Gaurav Mohunta, Advocate for petitioner
(in CRM-M-26260-2016).

Mr. A.A. Pathak, Addl. Advocate General, Punjab.

Mr. S.P.S. Sidhu, Advocate with
Mr. Harbans Sharma, Advocate for the complainant.

Rajan Gupta, J.

This order shall disposed of three petitions i.e. CRM-M-21102 of 2016, CRM-M-25956 of 2016 and CRM-M-26260 of 2016, under section 438 Cr.P.C., filed by petitioners Des Raj, Raj Pal and Surinder Pal respectively, seeking pre-arrest bail in a case registered against the petitioners under Sections 420 & 120-B IPC, at Police Station Kharar, District SAS Nagar, Mohali.

FIR was registered on the complaint made by Randhir Singh Mann, alleging that complainant had to purchase agricultural land in the name of his wife Chamandeep Kaur, as she had sold four acres of land at

her parental village. Petitioner Rajpal had been working as Co-operative Inspector. In the year 2011, petitioner Surinder Pal alias Fauji had shown 12 acres of agricultural land at village Pojewal, District SBS Nagar, abutting the road. A deal was made to purchase the land @ Rs.6.70 lacs per acre at village Desu Majra, Kharar. In November, 2011, complainant had paid Rs.5.10 lacs (Rs.4.5 lacs through cheque No.558191 dated 01.02.2011 and Rs.60,000/- by cash. After some time, Rajpal and Fauji (Surinder Pal) represented that Des Raj was owner of the said land, who was demanding money. Again Rs.15.00 lacs was paid vide demand draft dated 15.12.2011 in favour of accused Des Raj. Thereafter, petitioners Raj Pal and Fauji (Surinder Pal) came to complainant alongwith agreement to sell duly signed by petitioner Des Raj and some witnesses and got signatures of wife of the complainant. A sale deed was executed and Rs.60.00 lacs was paid by the complainant vide two demand drafts bearing Nos.275596 and 275597 dated 11.2.2012. In this way, complainant paid a total sum of Rs.80.10 lacs. When complainant asked for the sale deed, accused started avoiding the matter on one pretext or the other. Ultimately, in April, 2015, accused Raj Pal visited house of complainant in his absence and handed over five sale deeds to his children. On perusal of said sale deeds, it revealed that Des Raj was nowhere shown as vendor. Further land was shown to be 11 Acres 4 Kanals and 7.5 Marlas instead of 12 acres and it was not the same land as described in the agreement.

Keeping in view seriousness of allegations, no case for pre-arrest bail is made out. Allegations against the petitioner and other co-accused are serious, as they have defrauded a huge amount of the complainant. Petitioners

have been on interim bail for considerable period. Instead of cooperating with the investigating agency, they have tried to prolong the issue. Matter needs a thorough probe, as allegations are serious in nature. Petitioners are, thus, not entitled to concession of pre-arrest bail. The petitions are without any merit and are hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 09, 2018
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No