

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

CRM-M-25556-2018 (O&M)

Date of Decision:-30.8.2018.

Deepak Arora ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.166 dated 18.4.2018 under Sections 406, 420 and 506 of Indian Penal Code, 1860 at Police Station Farakpur, District Yamuna Nagar.

The FIR was registered at the instance of Ramesh Gupta, wherein it has been alleged that the accused Deepak Arora had agreed to sell a plot measuring 22.22 Sq. Yds. vide agreement dated 29.1.2015 and that later on he came to know that the petitioner was not the owner of the plot regarding which he had entered into an agreement with the complainant.

Notice of this petition was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioner has submitted that in fact the petitioner had purchased 725 Sq.Yds. of land from Ravi Dutt and had

paid the entire sale consideration although pursuant to the agreement to sell, a formal sale-deed had not been executed. The learned counsel has further submitted that it was on the strength of the said agreement that he had entered into an further agreement with the complainant to sell a plot measuring 22.22 Sq.Yds. and that in the agreement Annexure P-3, it has been specifically recited that a formal sale-deed in his favour had not been executed. The learned counsel has submitted that in these circumstances it cannot be said that it is the petitioner, who had cheated the complainant and that in fact it is a case where Ravi Dutt, after executing the agreement in favour of the petitioner in the year 2014, subsequently sold the land to one Subhash, who further sold a plot measuring 22.22 Sq.Yds. to Smriti on 25.8.2015. The learned counsel has thus submitted that it is the petitioner, who has been cheated by Ravi Dutt.

On the other hand, the learned State counsel has submitted that the very act of the petitioner in entering into an agreement in respect of a plot measuring 22.22 Sq.Yds. when in fact the said plot was not owned by him inasmuch no sale-deed had been registered in his favour clearly shows that he had cheated the complainant.

Having heard the learned counsel for the petitioner and also the learned State counsel and in view of the peculiar facts of the case and also bearing in mind the fact that the present case is mainly based on documentary evidence and that the petitioner has already joined investigation, in my opinion, it is not a case warranting custodial interrogation. The petition, as such, is accepted and interim directions issued by this Court vide order dated 13.6.2018 are hereby made absolute subject to

the condition that the petitioner shall appear before the Investigating Officer as and when directed.

The present petition stands disposed of accordingly.

30.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No