

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33027 of 2018
Date of Decision: 25.10.2018

Sahil Choudhary

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. Harjinder Singh Mavi, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. S.P.S. Tinna, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 61 dated 03.07.2018 registered for offences punishable under Sections 420, 465, 466, 468, 471 and 120-B of Indian Penal Code, at Police Station City 2, Abohar, District Fazilka.

2. As per case of prosecution, the petitioner in order to cheat the complainant sold Plot no. 5, which he had already purchased vide sale deed dated 15.09.2016 to Amandeep vide sale deed dated 24.07.2017.

3. Learned counsel for the petitioner has argued that the petitioner is co-owner of the land bearing *khasra* no. 424 to the extent of 6 *kanals* out of which he had sold 9 *marlas* of the land. Even if Plot no. 5 has been mentioned in the sale deed executed by him, the sale will be considered out of his share in the suit land.

4. Learned State counsel assisted by learned counsel for the petitioner has argued that the petitioner does not deserve discretionary relief of this Court as he had misguided *Tehsildar*, Abohar and revenue authorities by moving application that he had obtained stay from the Civil Court on 18.07.2017 while in fact no stay in his favour had ever been allowed.

5. Learned counsel for the petitioner has fairly conceded that no stay order had been allowed by civil court in favour of the petitioner vide order dated 18.07.2017 or at any point of time.

6. On the application of the petitioner dated 07.11.2017 to this effect made to *Tehsildar*, Abohar, Patwari *Halqa* was directed to do the needful and an entry was made in the *jamabandi* that due to stay nobody can sell this land of *khasra* no. 424 and resultantly mutation on the basis of sale deed in favour of complainant was stayed.

7. Without going into merits about allegations and counter allegations, it is evident that the petitioner has misled the revenue authorities by moving an application making false averments about the grant of stay regarding the land bearing *khasra* no. 424. A person, who has made false representation to revenue authorities and is not coming with clean hands, is not entitled to discretionary relief of anticipatory bail as per provisions of Section 438 Cr.P.C.

8. Keeping in view the conduct of petitioner, I find no reason to invoke power of this Court to extend him the benefit of anticipatory bail. This application has no merit and the same is dismissed.

October 25, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No