IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34089-2018 (O&M)
Date of Decision:- 17.12.2018

Karan Singh … Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amit Jain, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana.

Mr. Kunal Dawar, Advocate, for the complainant.

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GURVINDER SINGH GILL, J. (Oral)

Petitioner-Karan Singh seeks grant of anticipatory bail in a case registered against him vide FIR No. 203, dated 4.5.2018, registered at Police Station Badshahpur, Gurgugram, under Sections 419, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860.

The allegations, in nutshell, are that one Gajender Singh by representing himself to be a Director of M/s R.K.Enterprises had sold off land vide sale deed dated 27.10.2016 on the basis of a false and frivolous resolution dated 5.8.2016 which had been fabricated in collusion with one Mr.S.N.Chadha. As per the said sale deed, the land in question had been sold to Bahadur Singh and Rakesh Kumar. The sale-deed had allegedly been executed in collusion with the witnesses Laxman Singh and Kuldip Singh. It is further alleged that another piece of land belonging to the company was also sold off by Gajender Singh on the strength of a false and bogus resolution dated 17.7.2016, vide sale deed dated 22.7.2016 to one Smt. Pushpa. Other instance of bogus sale deeds dated 2.9.2014 and 6.6.2014 have also been mentioned in the FIR.

Shri Amit Jain, learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the alleged scam of execution of sale deeds by an unauthorized person and that he is in fact a *bona fide* purchasor having shared no evil design with the sellers and had purchased land vide sale-deed dated 2.9.2014 for an amount of ₹2 crores.

Learned State counsel, upon instructions from SI Subash Chand has informed that a part of the sale consideration i.e. ₹1 crore, is claimed to have been paid by way of Demand Draft favouring complainant-company but during investigation it has surfaced that the bank account in which the said Demand Draft of ₹1 crore was credited is in fact a fake bank account opened in Nainital and was never opened by the complainant-company. It has further been informed that balance consideration which was paid by way of two cheques for an amount of ₹50 lacs and ₹45,31,500/- were dishonoured which clearly shows that the petitioner is hands in gloves with the other co-accused and was not a *bona fide* purchaser.

I have considered rival submissions addressed before this Court. It transpires that no sale-consideration was ever received by complainant company and the two cheques stated to have been given by petitioner were dishonoured which goes a long way to show that the transaction in question is in fact a sham transaction having been executed through dubious means so as to defraud the complainant company and which clearly demolishes the plea of petitioner being a bonafide purchaser having purchased for consideration. In these circumstances, this Court does not find any special case for grant of anticipatory bail to the petitioner.

As such, the petition is sans any merit and the same is hereby dismissed.

December 17, 2018 **(GURVINDER SINGH GILL)**
mohan **JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No