

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

**CRM-M No.35056 of 2018 (O&M)
Decided on: 07.09.2018**

Rajinder Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Mehndiratta, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. R.S. Mamli, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM No.30679 of 2018

Heard.

Allowed as prayed for.

Documents (Annexures P6 to P8) are taken on record
subject to all just exceptions.

CRM No.30681 of 2018

Heard.

Allowed as prayed for.

Documents (Annexure R1 (Colly.) are taken on record
subject to all just exceptions.

CRM-M No.35056 of 2018

Prayer in this petition is for grant of anticipatory bail to the

petitioner under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.81 dated 19.07.2018, for offence punishable under Sections 420, 406, 506 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Sadar Jagadhri, District Yamuna Nagar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, which was got registered by the complainant – Sukhdev Singh, it is alleged that Kamal (since arrested) and 03 other accused persons namely Subhash, Raghubir and Vikram had approached the complainant for the purchase of 4.5 acres of land of petitioner, Rajinder Singh son of Hardeep Singh @ Rs.68 lacs per acre on 01.11.2017. It is further alleged that the complainant paid an amount of Rs.75 lacs to the petitioner including Rs.5 lacs paid by Subhash. Thereafter, Vikram @ Vicky and others arranged a meeting of the complainant with some unknown person, who impersonated himself as purchaser of the property for a higher sale consideration and thereafter, when the last date for execution of the sale deed i.e. 29.01.2018 approached, the same was extended without consent of the petitioner.

Counsel for the petitioner has further submitted that the petitioner has been falsely implicated in this case and except the present FIR, he is not involved in any other FIR and the FIRs (placed on record as Annexures P6 to P8 as well as Annexure R1(Colly.) are relating to 03 other co-accused and the petitioner is not attributed any overt act in the present FIR.

Counsel for the petitioner has also submitted that, in fact, the petitioner had entered into an agreement to sell with the

complainant, who failed to execute the same and even, as per the allegations in the FIR, had extended the time for execution of the sale deed and, therefore, the matter is of civil nature.

In reply, counsel for the State, on instructions from ASI Mohakam Singh, assisted by counsel for the complainant has, however, opposed the prayer for bail on the ground that, in fact, the petitioner is a bogus seller and the *modus operandi* adopted by all the accused persons in conspiracy with each other was that they assured the complainant that they are having a customer for purchasing the land, subject-matter of the agreement to sell dated 01.11.2017 executed between the petitioner – Rajinder Singh and the complainant – Sukhdev Singh @ Rs.90 lacs per acre and on such allurement and fake promise given by the accused persons, the complainant had entered into the aforesaid agreement to sell dated 01.11.2017 and had parted away with huge amount.

Counsel for the complainant has submitted that a perusal of the other FIRs placed on record today, show that the other accused persons namely Vikram, Subhash and Raghubir, are trapping farmers, who are having land in proximity with the urban area of Jagadhri where industries are expanding and are looking for purchase of agricultural land for investing the amount so received from the sale of their land. It is further submitted that it is only on the allurement given by all the accused persons that if the petitioner enter into an agreement to sell with Rajinder Singh, they will procure a purchaser from Punjab for further sale of the land @ Rs.90 lacs per acre, the aforesaid agreement was entered into @ Rs.68 lacs per acre, though, the proposed land

owned by the petitioner – Rajinder Singh was not more than Rs.20 lacs per acre and in such a manner, the complainant has been deprived of his Rs.70 lacs and further the accused persons are extending threats to his life.

Counsel for the complainant has also alleged that the petitioner is a member of the land grabbers, who has adopted similar *modus operandi*, in which the other farmers have also been cheated and various FIRs i.e. FIR No.0204 dated 09.10.2016, registered under Sections 120-B, 406 and 420 IPC, FIR No.0019 dated 01.03.2018, registered under Sections 120-B, 406, 420 and 506 and FIR No.0035 dated 03.04.2018 registered under Sections 120-B, 406, 420 and 506 IPC, stands registered at different Police Stations in Sadar Jagadhri, Bilaspur, District Yamuna Nagar and, therefore, the custodial interrogation of the accused persons is required as the police want to interrogate them in order to know about the cheatings done by them.

After hearing the counsel for the parties, I find no ground to grant the relief of anticipatory bail to the petitioner. It is not disputed that against the other co-accused, number of similar FIRs of cheating with other farmers of the area, have been registered and the *modus operandi* adopted by all the accused persons is that they find a victim/farmer, who wants to sell his land abutting the city and is looking for some other agricultural land. Thereafter, they approach such victim with an offer that if he/she entered into an agreement to sell with one of the accused person, qua his land then they will sell the land at higher rate to another buyer and thereafter, they used to introduce a fake person, who will assure the victim to purchase the land on a much

higher rate and in such a manner, they used to allured their victim and make him part away with huge amount of money. Needless to say since number of similar FIRs have been registered with similar allegations, the custodial interrogation of the petitioner is required.

In view of what has been discussed hereinbefore, the petition fails and is accordingly dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

07.09.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No