

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43994-2018 (O&M)
Date of decision: 30.10.2018

Balwan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. V.K. Jindal, Sr. Advocate with
Mr. Gopal Soni, Advocate
for the petitioner.

Mr. Vijesh Sharma, DAG, Haryana.

Mr. R.A. Sheoran, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in this petition is for grant of anticipatory bail in FIR No.435 dated 03.11.2017 under Sections 120-B, 420, 467, 468, 471 IPC, registered at Police Station City Dadri, District Charkhi Dadri.

Learned senior counsel for the petitioner has submitted that as per allegations in the FIR, complainant Piaro Devi has alleged that accused persons Jaswant @ Manoj, Balwan, Ravinder @ Godu and Munish Devi have conspired with each other and committed fraud with her. It is stated in FIR that complainant Piaro Devi is a household lady and is owner of 30

kanals 06 marlas of land and the accused persons entered into a deal with her for an amount of Rs.58.00 lacs regarding sale of three shops, whereas the same were not owned by him. It is further stated in the FIR that accused Jaswant @ Manoj had already lost case before the Civil Court qua the three shops for an amount of Rs.58.00 lacs. Accused persons, in conspiracy with each other, firstly prepared an agreement to sell dated 27.07.2014 in favour of Balwan Singh, which was executed by co-accused Jaswant. On the basis of said agreement, accused/petitioner Balwan entered into an agreement of sale dated 16.08.2014 for three shops for a sum of Rs.58.00 lacs and obtained the total amount from the complainant and in order to make the payment, on the same day, the complainant had executed an agreement dated 16.08.2014 in favour of co-accused Ravinder for the sale of 30 kanals 06 marlas of land for total sum of Rs.66,28,125/- and received the earnest money of Rs.58.00 lacs, which was paid to petitioner Balwan Singh, in pursuance to the agreement to sell executed by aforesaid Balwan Singh in favour of complainant Piaro Devi.

Learned senior counsel has further argued that in fact, as per allegations in the FIR, it is co-accused Jaswant @ Manoj, who had purchased the land of the complainant and he has already been arrested. It is further submitted that the main allegations of cheating and fraud are against Ravinder @ Godu. Learned senior counsel has further submitted that co-accused Jaswant @ Manoj has already been arrested and as per the FIR, he has received the amount from the petitioner.

In reply, learned State counsel, on instructions from the

Investigating Officer and assisted by learned counsel for the complainant, has however opposed the prayer for bail on the ground that Ravinder @ Godu, in whose favour, the complainant had executed the agreement to sell qua 30 kanals 06 marlas of land, is a witness to the agreement to sell dated 27.07.2014, executed by co-accused Jaswant @ Manoj in favour of petitioner Balwan Singh and petitioner is a witness to the agreement to sell dated 16.08.2014, executed by the complainant in favour of aforesaid Ravinder. It is further submitted that co-accused Ravinder is also witness to the agreement to sell dated 16.08.2014, vide which Balwan Singh had agreed to sell three shops in favour of the complainant and thus, all the accused persons, in conspiracy with each other, had adopted a mode of alluring the complainant to part away with her 30 kanals 06 marlas of land and on receiving the part sale consideration of Rs.58.00 lacs, she had paid the same to the petitioner vide separate agreement to sell dated 16.08.2014. It is also submitted that both the agreements to sell executed by the petitioner in favour of Ravinder, vide which the petitioner had received Rs.58.00 lacs and subsequent agreements executed by petitioner Balwan Singh in favour of the complainant, vide which she paid the amount of Rs.58.00 lacs in favour of Balwan Singh, are of the same date, which shows that how Rs.58.00 lacs were transferred in favour of the petitioner.

Learned counsel for the complainant has further submitted that even the suit filed against Jaswant @ Manoj was decreed against him vide judgment and decree dated 30.11.2013 and the appeal filed by him was dismissed as withdrawn, which also shows that accused persons have

committed an offence of cheating and forgery, in conspiracy with each other, as they knew that they had no valid title on the land underneath three shops and still they entered into agreement to sell the shops with complainant, with clear intention to play fraud and cheat her as she was divested with Rs.58.00 lacs which she received in lieu of sale of her 30 kanals 06 marlas of land vide another agreement. It is further submitted that even the possession of 30 kanals 06 marlas of land is taken from complainant and she has not been given the shops.

After hearing learned counsel for the parties, I find no merit in the present petition.

The allegations against the petitioner are serious in nature and since there are allegations of fraud, cheating and forgery, his custodial interrogation is required, as it is clear case of the complainant that she has been deprived of her 30 kanals 06 marlas of land and by obtaining huge amount of Rs.58.00 lacs from her, the petitioner had executed an agreement to sell for the sale of three shops, the land underneath was found to be non-existing/not in the ownership of petitioner Balwan Singh, as Jaswant @ Manoj had already lost the case regarding ownership of these shops and by playing a fraud with the complainant, accused firstly prepared an agreement to sell dated 27.07.2014 and then subsequent agreement to sell dated 16.08.2014.

In view of the above and considering the serious allegations against the petitioner, in which a household lady has been cheated of huge amount as well as her land, I find no ground to grant the discretionary relief

of anticipatory bail to the petitioner, therefore, the present petition is dismissed.

30.10.2018
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

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