

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

**CRM-M-43317-2017(O&M)**

**Date of decision : 16.02.2018**

**Satya Parkash**

**..... Petitioner**

**versus**

**State of Haryana**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE SUDHIR MITTAL**

**\*\*\***

Present: Mr.N.S.Shekhawat, Advocate for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Jitender Nara, Advocate for the complainant.

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**SUDHIR MITTAL, J. (Oral)**

The petitioner seeks grant of regular bail in case bearing FIR No. 0231 dated 02.07.2017, under Sections 420, 447, 467, 468 and 471 IPC, registered at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner contends that the allegation against the petitioner in the FIR is that he agreed to sell 5 marlas of land to the complainant and received full and final payment of Rs. 35 lacs but subsequently he transferred the same land in favour of his sons. He further submits that on two earlier occasions the matter was enquired into and it was opined that the dispute is of civil nature and that initiation of criminal proceedings is not necessary. Thus, the contention is that being monetary dispute, it pertains to civil liability and no criminality is involved and that the petitioner has been in custody since 15.09.2017. Challan has already

been presented in Court and thus the petitioner is not in a position to influence the investigation.

Learned State counsel, assisted by learned counsel for the complainant, however, submits that the petitioner is also accused in other cases regarding receipt of stolen property. Reference has been made to a statement of Ex-Sarpanch in which it is mentioned that the petitioner and his sons defrauded many persons of their money and did not repay the same despite repeated demands. It is further submitted that pursuant to the sale in favour of the complainant, the possession had been transferred but now the complainant has been forcibly dispossessed. The contention is that the petitioner is enjoying the possession of the property in dispute as well as the money paid by the complainant.

In case the allegations made against the petitioner, are proved to be true, he would be liable for conviction under Section 420 IPC because he has taken money from the complainant but has not executed the sale deed in his favour. At this stage, it is not appropriate to opine on merits as no evidence is available which may be examined. Suffice to say that it cannot be said that the dispute is purely civil in nature. Serious allegations have been made against the petitioner and, therefore, he is not entitled to concession of bail.

Accordingly petition is dismissed.

After the order has been dictated in the open Court, learned counsel for the petitioner submits that the case is fixed before the trial Court for framing of charge. It is his apprehension that the observations in this order will go against interest of his client when the learned trial Court considers the matter for framing of charge.

Expression of opinion, in this order, shall have no bearing upon merits of the case.

( SUDHIR MITTAL)  
JUDGE

16.02.2018  
sunita

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |