

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-44203 of 2017 (O&M)

Date of decision: May 21, 2018

Raj Pal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rahul Deswal, Advocate for the petitioner.

Ms. Tanushree, Deputy Advocate General, Haryana.

Mr. Bhupender Singh, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Sections 420, 406, 467, 468, 471, 120-B and 506 IPC at Police Station Model Town, Panipat, vide FIR No.750 dated 17.11.2016.

Complaint was lodged by one Ashok. He alleged that Balwan and Raj Pal executed an agreement to sell dated 14.09.2012 in favour of complainant in respect of land measuring 14 Kanals 09 Marlas for a sale consideration of Rs.20.00 lacs per acre. Earnest money of Rs.30.00 lacs was paid to them. It was agreed that sale deed would be executed on 01.10.2013. On 04.03.2013, another sum of Rs.2.00 lacs was paid to the accused and date of registration of sale deed was extended to 01.02.2014. However, accused never turned up. On enquiries being made, it transpired that the land, in respect of which agreement was executed, had already been sold by accused Balwan to Sunder Singh son of Surat Singh, vide sale deed

bearing Wasika No.229 dated 25.05.2000 and Raj Pal had also sold his share in the land vide sale deed bearing Wasika No.36 dated 17.4.2003 to said Sunder Singh. When the complainant lodged complaint, accused Balwan issued three cheques of Rs.5.00 lacs each in the name of complainant, but same bounced. Accused, thus, cheated the complainant of Rs.32.00 lacs.

In view of the fact that land had already been sold, it is evident that accused had intention to dupe the complainant from the very inception of the transaction. In such circumstances, petitioner would not be entitled to discretionary relief of pre-arrest bail. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

May 21, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No