

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

CRM-M-47433-2017

Date of decision:-9.3.2018

Ishwar Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr. Vivek Gupta, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr.D.A.G., Punjab.

Dr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the complainant.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Ishwar Chand, an accused in FIR No.135 dated 21.11.2017 for an offence under Section 420 IPC, registered with Police Station City, Dhuri, District Sangrur.

Briefly stated, facts of the case as per prosecution story are that, FIR in this case was registered on the basis of a written complaint submitted to Senior Superintendent of Police, Sangrur filed by Balvir

Singh, Manjit Singh sons of Gurnam Singh, residents of village Baradwal against Ishwar Chander son of Naresh Kumar, resident of Ward No.17 Dhuri as well as Karnail Singh, Randhir Singh sons of Bant Singh and Bhinder Singh son of Karnail Singh, residents of village Baradwal, Tehsil Dhuri, District Sangrur. *Inter alia*, in the complaint it is contended that the complainants had entered into a deal to sell their land measuring 28 Bighas for Rs.4,50,000/- with Ishwar Chand but he did not get the sale deed executed, rather he sold the land further to Karnail Singh, Randhir Singh sons of Bant Singh and Bhinder Singh son of Karnail Singh, residents of Baradwal and he got the sale deed executed from the complainants in the names of Karnail Singh, Randhir Singh sons of Bant Singh and Bhinder Singh son of Karnail Singh; that out of the total sale price, the complainants had received a sum of Rs.33,50,000/- as earnest money; that the remaining amount of Rs.43,66,500/- was received by them vide demand draft; that after receiving the amount, a balance of amount of Rs.12,00,000/- remained but it was not paid to them; that at the time of registration of the sale deed, a cheque in the sum of Rs.14,50,000/- was issued in the name of Balvir Kaur wife of Guljar Singh, however, on presentation of that cheque it bounced, in that way a fraud was committed with the complainants. Formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Sangrur vide order dated 5.12.2017. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

There are specific allegations of cheating and fraud against the petitioner giving cheque in the sum of Rs.14,50,000/- from the account of Balvir Kaur, who was stranger to the deal and that cheque had bounced. In the present case, custodial interrogation of the petitioner is definitely required for complete and effective investigation to find out the minute details of the fraud, the other persons who had helped the petitioner in carrying out the fraud and if the same is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

9.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No