

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51107-2018 (O&M)

Date of Decision:- 11.12.2018

Bahadur Singh

... Petitioner

Versus

State of Haryana

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Santpal Singh Sidhu, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

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**GURVINDER SINGH GILL, J. (Oral)**

Petitioner-Bahadur Singh seeks grant of anticipatory bail in a case registered against him vide FIR No. 203, dated 4.5.2018, registered at Police Station Badshahpur, Gurgugram, under Sections 419, 420, 467, 468, 471 and 120-B of Indian Penal Code, 1860.

The allegations, in nutshell, are that one Gajender Singh by representing himself to be a Director of M/s R.K.Enterprises had sold off land vide sale deed dated 27.10.2016 on the basis of a false and frivolous resolution dated 5.8.2016 which had been fabricated in collusion with one Mr.S.N.Chadha. As per the said sale deed, the land in question had been

sold to Bahadur Singh and Rakesh Kumar. The sale-deed had allegedly been executed in collusion with the witnesses Laxman Singh and Kuldip Singh. It is further alleged that another piece of land belonging to the company was also sold off by Gajender Singh on the strength of a false and bogus resolution dated 17.7.2016, vide sale deed dated 22.7.2016 to one Smt. Pushpa. Other instance of bogus sale deeds dated 2.9.2014 and 6.6.2014 have also been mentioned in the FIR.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no evidence worth credence to connect him with the alleged scam of execution of sale deeds by an unauthorized person and that he is in fact a *bona fide* purchaser having shared no evil design with the sellers.

On the other hand, learned State counsel assisted by counsel for the complainant has opposed the petition and has submitted that the complicity of the petitioner is writ large from the facts of the present case inasmuch as the sale deed in favour of the petitioner-Bahadur Singh is an absolutely a sham transaction without passing of any consideration which clearly shows that all the accused were hand in glove with each other so as to defraud the complainant company.

I have considered rival submissions addressed before this Court. It transpires that in fact the cheque alleged to have been given by the purchaser/petitioner-Bahadur Singh was never encashed and which goes a long way to show that the transaction in question is in fact a sham transaction having been executed through dubious means so as to defraud the complainant and which clearly demolishes the plea of petitioner being a

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bonafide purchaser having purchased for consideration. In these circumstances, this Court does not find any special case for grant of anticipatory bail to the petitioner.

As such, the petition is sans any merit and the same is hereby dismissed.

December 11, 2018

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( Gurvinder Singh Gill)

Judge

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