

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

**CRM-M-31348 of 2018 (O&M)
DATE OF DECISION:-14.01.2019**

NARINDER SINGH DEHAL

...PETITIONER...

V.

STATE OF HARYANA AND ANR.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Pushpinder Kaushal, Advocate,
for the petitioner.

Mr. P.K. Garg, AAG, Haryana.

Complainant in person.

Mr. Ajay Sharma, Advocate,
for Patwari and Naib Tehsildar.

RAMENDRA JAIN, J. (ORAL)

Through this second petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.0135, dated 10.05.2017, under Sections 406/120-B IPC (Section 420 IPC was added later on) at Police Station Chandimandir, Panchkula, Haryana.

Briefly stated, co-accused Shushil Jindal introduced complainant to the petitioner as a land developer, who was working as a Superintending Engineer in the Irrigation Department and was running the business of real estate under the cover of his family members. On

assurance of the petitioner and co-accused Sushil Jindal, the complainant transferred a total sum of ₹21 lakh in the accounts of the companies, namely, M/s Westek Industries and M/s Vikram Industries allegedly run by the petitioner. That apart, the complainant also paid a sum of ₹2.5 lakh in cash on the assurance that the complainant would earn huge profit upon his investment in the property business so to be transacted by the petitioner and co-accused Sushil Jindal. However, when no fruitful result came against the investment of the complainant, he asked the petitioner and his co-accused to return his money, whereupon, the petitioner to compensate the complainant, delivered the possession of land measuring 2500 sq. yards comprising khasra No. 317 situated within the revenue estates of Village Bhoj Matour, Tehsil Morni and executed an affidavit qua this effect. However, the complainant came to know that the aforesaid land was not owned by the petitioner and, thus, he was not in a position to transfer the same to the complainant.

Heard.

After making strenuous efforts, this Court could not get clear possession of the land in dispute allegedly handed over to the complainant, even imposing fine and securing the presence of concerned revenue officials. Complainant is running pillar to post since the year 2012 i.e. after his retirement. The petitioner and his accomplice Shushil Jindal have usurped a sum of ₹40.50 lakhs of the complainant, which he got after his retirement, besides some loan amount from the bank. The petitioner has tried his level best to hush-up the issue, pending before this

Court by executing insignificant compromise after compromise on false and concocted stories with the complainant to get him illegally absolved of his liability of committing fraud with the complainant, without returning cheated amount.

The petitioner and his wife are not genuine persons. However, his wife has been granted anticipatory bail by the Additional Sessions Judge. Investigating Officer is directed to investigate as to in how many similar nature of cases, the petitioner and his wife are involved. The compromise, if any, signed by the complainant is nothing, but a fictitious and malafide device of the petitioner to cheat and commit further fraud with the complainant.

In view of the above, finding no merit in the instant petition, the same is dismissed.

14.01.2019
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(RAMENDRA JAIN)
JUDGE

whether speaking/reasoned:
whether reportable:

Yes/No
Yes/No