

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

CRM No.M-15960 of 2019 (O&M)
Date of Decision: August 28, 2019

Darshan Lal Jain

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Gautam Pathania, Advocate for the petitioner.

Mr.Prabhjot Singh Walia, AAG, Punjab
for the respondent-State.

Mr.R.S.Rai, Senior Advocate with
Mr.Gautam Dutt, Advocate
for respondent No.2.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.184 dated 22.08.2018 under Sections 420 and 120-B IPC, registered at Police Station Sarabha Nagar, District Ludhiana.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the present case FIR has been got registered by Dinesh Garg, who stated that he is MBBS, M.D. and is running his own clinic. He wanted to buy a plot for constructing residence-cum-clinic. Accused entered into agreement to sell for ₹6.31 crores and three cheques i.e. Two cheques amounting to ₹24.75 lakhs and one cheque

of ₹49,50,000/-, were given to the accused persons as earnest money.

It is the allegation of the prosecution that property in question could not be sold as area measuring 1000 yards falls in the area of ammunition depot and no construction can be raised, but present petitioner, who was head of the family, has obtained jamabandi by concealing material facts and connived with his family members to commit the fraud.

Learned State counsel, at the time of arguments, contended that statement of the Patwari has been recorded where he has specifically stated that present petitioner Darshan Lal Jain has taken jamabandi of the year 2000 without the remarks that property in the area of 1000 yards of ammunition depot, cannot be constructed. Learned counsel for the petitioner contended that there is no such bar and he relied upon a report of SDM.

Learned counsel for respondent No.2 as well as learned State counsel argued that so many documents and record collected by the Investigating Officer, show that the property in dispute falls under prohibited area.

Keeping in view the facts and circumstances of the case, nature and gravity of the offence and in view of the serious allegations against the petitioner, I do not find it a fit case where petitioner is entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

August 28, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No