

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-51408-2018

Date of decision: 24.01.2019

Neetu Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sumit Gupta, Advocate for the petitioner.

Mr. Munish Mittal, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Learned counsel for complainant-Baby, has filed Vakalatnama on his own, though she has not been impleaded as party. The same is taken on record. Office to tag the same at the appropriate place.

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner, in case FIR No. 790 dated 13.09.2018 registered under Sections 323, 406, 420 and 506 IPC at Police Station Assandh, District Karnal.

According to the prosecution, the petitioner cheated and defrauded the complainant for ₹ 9,32,000/- (Rupees Nine Lakhs Thirty Two Thousand), in the year 2008, assuring her to purchase land and execute sale deed on her behalf which was under mortgage, on redemption after payment of ₹ 4,47,000/- (Rupees Four Lakhs Forty Seven Thousand) to Suresh Kumar mortgagee, but he never fulfilled his promise.

Learned counsel *inter alia* contends that complainant was a
attesting witness to the sale deed executed by the petitioner, in favour of

wife of Suresh Kumar. Therefore, allegations of alleged fraud and cheating are not proved against the petitioner. When the complainant lost her battle on civil side against the petitioner, she falsely got lodged the impugned FIR against him, after 10 years of the alleged transaction.

On the other hand learned counsel appearing for the complainant contends that petitioner has filed the instant petition on false plea that he had returned the amount of ₹9,32,000/- to the complainant. However, no proof whatsoever, has been produced by the petitioner in support of his above assertion. Therefore, custodial interrogation of the petitioner is very much necessary to recover the cheated amount.

In view of the above and considering the seriousness of allegations levelled against the petitioner, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

The instant petition is dismissed.

January 24, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No