

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

**CRM-M-26631-2019
Date of decision: 23.07.2019**

Dharmender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Raghav Sharma, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0297 dated 19.11.2018, registered under Sections 306, 420 and 34 of the IPC at Police Station Narwana Sadar, District Jind.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the complaint of Satpal son of Khajan Singh, it is alleged that petitioner Dharmender, his father Om Parkash and mother Kitabo Devi had sold the land of the complainant and taken Rs. 1 crore for purchasing other land and on that account, son of the complainant used to remain mentally disturbed. It is further alleged that whenever the complainant went to the house of the petitioner, he along with his parents used to mislead him that they will either return the money or will buy land for the complainant but neither the money was returned nor the land was purchased. It is further stated in the FIR that the complainant had sold his land to one Shamsher and the amount was given to petitioner Dharmender in the

presence of his parents and the petitioner has also given security cheques for the return of money but till date, the same has not been returned despite giving assurance that he will buy land for the complainant. It is further stated that being disturbed on account of the cheating committed by the petitioner and his parents, the son of the complainant, namely Suresh, has committed suicide.

Learned counsel for the petitioner further submits that the FIR was registered after a delay of 20 days of the incident and there is no specific allegation of abetment, on the part of the petitioner and, therefore, the petitioner may be granted concession of anticipatory bail.

Learned counsel for the petitioner further submits that in terms of the order dated 12.06.2019, the petitioner has already joined investigation and the parents of the petitioners have also been granted concession of anticipatory bail by this Court, vide order dated 02.05.2019 passed in ***CRM-M-64721-2018***.

In reply, learned State counsel, on instructions from SI Sarbjit Singh, has opposed the prayer of the petitioner on the ground that the case of the parents of the petitioner are entirely on different footings.

Learned State counsel further submitted that while passing order dated 12.06.2019, granting interim bail to the petitioner, it was observed that the case of the petitioner is at par with his parents/co-accused, however, there are specific allegations against the petitioner.

Learned State counsel has referred to the questionnaire, recorded by way of statement of the petitioner, vide which, in reply to question No. 14, the petitioner has admitted that he has given a cheque of Rs. 90 Lakh and two

cheques of Rs. 20 Lakh each to the complainant as guarantee. It is further submitted that in fact these cheques were given to the complainant as the petitioner has taken Rs. 1 crore from the complainant for purchase of the land, which was never returned to the complainant and on that account, his son Suresh was mentally disturbed and later on, he committed suicide.

Learned State counsel further submitted that even ten days after the death of Suresh, an audio recording in his mobile was found, in which, he has stated that he has no option but to commit suicide, which also indicates abetment on the part of the petitioner.

Learned State counsel further submitted that as per the allegations in the FIR, the complainant has specifically stated that the amount of Rs. 1 crore was given to the petitioner which was the sale consideration of the land and, therefore, the case of the parents of the petitioner, i.e. Kitabo Devi and Om Parkash, is on different footings.

In reply, learned counsel for the petitioner submitted that in the alleged audio recording, there is no specific averment as to when the payment was given and there is no specific date of agreement to sell and further there is no specific cause of death.

After hearing learned counsel for the parties, considering the serious allegations levelled against the petitioner and also in view of the statement made by him before the police (while on interim bail) wherein the petitioner has admitted about agreement to sell and handing over of three cheques to the complainant, as noticed above, I do not find any ground to grant concession of anticipatory bail to the petitioner. Moreover, the arguments raised by learned counsel for the petitioner need to be probed for

which the custodial investigation of the petitioner is required.

In view of the above, the present petition is hereby dismissed.

23.07.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No