

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

**CRM-M-44701-2019
Date of decision: 18.11.2019**

Naresh Sharma and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sourabh Arora, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioners in FIR No. 0171 dated 30.07.2019, registered under Sections 420 and 120-B of the IPC at Police Station Civil Line, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Anil Anand, it is stated that petitioner No. 1 Naresh Sharma was known to him and he along with his son Ishan Sharma-petitioner No. 3 approached him for the sale of three plots. It was represented on behalf of the accused persons that petitioner No. 3 Ishan Sharma is the special power of attorney holder of the said plots and the original owner is Sarabjit Kaur, who has appointed Ishan Sharma as her special power of attorney on 21.02.2012. On said allurements, complainant entered into an agreement to purchase the said plots on payment of the earnest money on 10.09.2013. It was further agreed that if the sale deed is not executed, the complainant will have a right to get the

same executed through Court. Thereafter, accused persons, on one pretext or the other, got the time to execute the sale deed extended from time to time. Later on, it was informed to complainant that regarding one plot, Ishan Sharma has pledged the sale deed as mortgage with a bank and regarding other two plots, he has executed the sale deed in the name of his mother Jyoti Sharma-petitioner No. 2, who is wife of petitioner No. 1. It is, thus, stated in the FIR that despite obtaining the earnest money in pursuance to the agreement to sell, the accused persons/petitioners disposed of the property and cheated the complainant.

Learned counsel for the petitioners argued that in fact the complainant has filed a suit for specific performance, however, he could not dispute that two plots, subsequent to agreement to sell, stands disposed of by Ishan Sharma in favour of his mother Jyoti Sharma and regarding one plot, he has pledged the sale deed as mortgage in favour of the bank, thus, title of the land in dispute was not clear for execution of sale deed.

In reply, learned State counsel, on instructions from the Investigating Officer, has opposed the prayer of the petitioner on the ground that on the pretext of selling the land, the petitioners have allured the complainant to part away Rs. 24,50,000/- and later on, they created a charge on the said land and sold the same to petitioner No. 2 and did not return the money to the complainant.

Learned State counsel further submitted that after conducting a detailed inquiry, it was found that the petitioners, with dishonest intention, have taken a huge amount from the complainant on the pretext of selling the land and, therefore, their custodial investigation is required.

After hearing learned counsel for the parties, I do not find any

ground to grant concession of anticipatory bail to the petitioners keeping in view the serious allegations levelled against them in the FIR.

Accordingly, the present petition is hereby dismissed.

18.11.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>