

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

**CRM-M-48600-2019
Date of decision: 21.11.2019**

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. K. S. Dhaliwal, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 297 dated 19.11.2018, registered under Sections 306, 420, 34 of the IPC (Sections 467 and 120-B of the IPC added later on) at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of complainant Satpal, Dharmender, brother-in-law of the petitioner, along with his father Om Parkash and mother Kitabo Devi, got the land of the complainant party sold for a sum of Rs. 01 Crore and kept the entire sale consideration with them on a pretext that they will purchase some other land for the complainant and in that process, co-accused Dharmender gave some blank cheques to complainant in lieu of the said amount and told him that he should keep those cheques as security till he purchases the land for them, however, there

was no money in the account concerned. However, the accused persons did not purchase any land for the complainant party and they duped them of a huge amount. It is further stated that on that account, son of the complainant, namely Suresh, remained tensed and committed suicide on 02.07.2018.

Learned counsel for the petitioner further argues that the FIR was registered on 19.11.2018 and the petitioner was not initially named as co-accused and his name surfaced only in the supplementary statement of the complainant, which was recorded by the police on 05.05.2019 i.e. after about 10 months of the incident.

Learned counsel for the petitioner further argues that the land of the complainant was sold on 27.06.2013 for a sum of Rs. 95 Lakh and the alleged suicide was committed by Suresh on 02.07.2018.

Learned State counsel, on instructions from SI Sarabjit Singh, submits that during investigation, an agreement to sell and a cheque of Rs. 90 Lakh, which was issued from the account of co-accused Dharmender was recovered along with a copy of the sale deed and two other cheques. Further, two CDS of the conversation taken place between Dharmender and deceased Suresh were also recovered by the police and the same has been sent to FSL for examination.

Learned State counsel further submits that on the basis of the supplementary statement of the complainant, recorded on 05.05.2019, wherein the complainant has stated that Dharmender, in conspiracy with petitioner Sandeep, Virender, has prepared a forged agreement to sell regarding the land which was signed by Ved Pal and Surender, residents of

Delhi and in this manner, the complainant party was cheated.

It is further submitted that after the arrest of Dharmender, he has made a disclosure statement that he has returned Rs. 50 Lakh to the complainant and has kept the remaining amount of Rs. 40 Lakh in the house of his friend Vijay. Thereafter, he made another disclosure statement restructuring his previous statement and stated that he had given Rs. 10 Lakh to his brother-in-law (*Jija*) petitioner Sandeep and Rs. 10 Lakh to his another brother-in-law (*Saala*) Bhagat Singh and, therefore, custodial investigation of the petitioner is required.

Learned State counsel further submits that after the arrest of Dharmender, no recovery was effected from him and even from co-accused Bhagat Singh, who was arrested and later on granted bail, no recovery was effected.

In reply, learned counsel for the petitioner further submits that parents of Dharmender, namely Om Parkash and Kitabo Devi, have already been granted concession of anticipatory bail by this Court, vide order dated 02.05.2019 passed in ***CRM-M-64721-2018***.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that the sale deed, pertaining to the land of the complainant, relates to the year 2013 and the petitioner is only a witness to the alleged agreement to sell, which was set up by co-accused Dharmender in conspiracy with Ved Pal and Surender and the petitioner has not been shown to be a beneficiary and also considering the fact that the FIR was registered after a period of four months and supplementary statement of the complainant was recorded

after a period of about 10 months and the name of the petitioner has surfaced on the basis of second disclosure statement of co-accused Dharmedner, the instant petition is allowed. The petitioner is granted concession of anticipatory bail, subject to conditions prescribed under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call the petitioner by issuing a notice.

21.11.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No