

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19232-2018 (O&M)

Date of decision:25.01.2019

Ashwani Sharma

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Mr. A.N. Walia, Advocate for the complainant.

Kuldip Singh, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.41 dated 26.03.2018 under Sections 419, 420, 465, 467, 468, 471 & 120-B of Indian Penal Code, registered at Police Station Sultanwind, District Amritsar.

Heard.

In this case, FIR was got registered on the complaint of Ravel Singh son of Bishan Singh, who has retired as Inspector from BSF and after retirement started cultivating his land. He has sold 5 acres of land for a sum of Rs.2,50,00,000/-. Thereafter, one Pawan Kumar alias Pammu told him that he is doing the business of property dealing and will get him purchased land at less commission. He introduced him with Rajbir, Amar, Ashok Gupta, Vijay Sharma and they showed him the land of 10 acres situated at

Ramdas Road which they agreed to sell the same at the rate of Rs.9,50,000/- per acre and he gave them Rs.2,00,000/- as Biana. Thereafter, another sum of Rs.7 lakh was given on 23.9.2014, Rs.10 lakh on 26.9.2014, Rs.20 lakh on 1.10.2014, Rs.27 lakh on 7.10.2014, another sum of Rs.40 lakh on 13.10.2014. Thereafter, they asked him for giving the remaining balance amount and they purchased one stamp paper in his name and he asked them to be ready for the balance amount. On 17.10.2014, he withdrew from his account, Rs.10 lakh and entered into agreement to sell 7 kanals of land with Surinder Singh son of Gurnam Singh and Davinder Singh, both son of Harbhajan Singh resident of Village Daburji to arrange the money and he received Rs.50 lakh in cash. Remaining amount of Rs.5 lakh was to be paid at the time of execution of the sale deed. He took loan of Rs.20 lakh each on his land from Gram Bank Branch Nadala and Punjab National Bank Branch, Akbarpura, District Kapurthala and he took Rs.10 lakh from his relative Surinder Singh and remaining amount he took from his account and also from the FDRs of his daughter-in-law Manjit Kaur. When he contacted these persons for executing sale deed, he met Rajbir, Amar, Ashok Gupta and Vijay Sharma, the four property dealers and who told him to pay all the amount and they have to purchase the stamp papers for execution of registry. They made him to sit in the office of Tehsildar but thereafter they never came back. Later on he came to know that they have cheated him and they have introduced him with wrong names. Original name of Rajbir Singh was Heera Singh and that of Amar was Manu. The original name of Ashok Gupta was Ashwani Kumar. Original name of Vijay Sharma is Balbir

@ Kala.

Vide order dated 23.08.2018, this Court directed the petitioner to join the investigation. He has joined the investigation. In this case, according to the prosecution, Rs.1,96,00,000/- was paid but the same has not been returned. Further, it comes out that the present petitioner introduced himself to the complainant with a wrong name of Ashok Gupta. This gives a beep into the mind of the petitioner at the time of negotiation regarding sale and payment of the money.

Learned counsel for the petitioner contends that there is a four years delay in lodging the FIR and that nothing was received from the petitioner. I am of the view that considering the allegations, police is to be given free hands to detect the fraud. It is not a fit case for grant of anticipatory bail.

Accordingly, petition is dismissed.

(KULDIP SINGH)
JUDGE

25.01.2019

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Whether speaking/ reasoned:

Yes

Whether Reportable:

No