

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4531-2020 (O&M)
Date of Decision:- 19.2.2020

Rakesh

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Kumar Rana, Advocate, for the petitioner.

Mr. Ashok Singh Choudhary, Addl. A.G. Haryana,
assisted by ASI Bachan Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of FIR No.280, dated 26.9.2018, Police Station Bhupani, Faridabad, under Sections 120-B, 419, 420, 467, 468, 471 IPC.
2. The FIR in question was lodged at the instance of Krishna Devi wherein it has been alleged that her property in the nature of plot measuring 1 kanal 3 marlas has been sold by way of impersonation to the petitioner.
3. Learned counsel for the petitioner has submitted that he is a *bona fide* purchaser for consideration and that he had no means to verify

about the genuineness of the seller and that later he came to know that Shanti Devi i.e. sister of the real owner had impersonated as Krishna Devi and had sold her sister's property to the petitioner and had usurped the entire consideration amount. Learned counsel has submitted that he had paid the entire consideration amount by way of cash to Sanjay i.e. son-in-law of Shanti Devi and that in these circumstances it cannot be said that he has cheated the complainant in any manner.

4. Opposing the petition, learned State counsel has submitted that during the course of investigation it has been found that Krishna Devi had never executed the sale deed in question which had in fact been executed by Krishna Devi's sister Shanti Devi who had impersonated as Krishna Devi. It has further been submitted that during investigation it has further been found out that the draft in question for consideration amount of ₹8,62,500/- i.e. DD No. 743773 dated 25.1.2012, issued by PNB Bank, New Delhi, was in fact never encashed and which would show that the entire sale transaction is a 'sham transaction' without consideration.
5. I have considered rival submissions addressed before this Court. The contention made on behalf of the petitioner that he is a *bona fide* purchaser cannot be accepted in view of the fact that the draft in question stated to have been given to the complainant towards the consideration amount was in fact never encashed and which would clearly show that the entire transaction is a 'sham transaction' and would clearly show the complicity of the petitioner in the sham

transaction by way of impersonation. In these circumstances, no special case for grant of anticipatory bail is made out.

6. There is no merit in the petition and the same is hereby dismissed.

February 19, 2020

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No