IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Criminal Misc. No. M-6208-2020(O&M)
Date of Decision: 15.05.2020

Narender Kumar ... Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manoj Pundir, Advocate,
for the petitioner.

Mr. Chetan Sharma, Assistant Advocate General, Haryana.

ANIL KSHETARPAL, J.

Present petition has been filed by the petitioner, namely, Narender Kumar, under Section 439 Cr.P.C. for grant of regular bail in FIR No. 643, dated 11.06.2019, registered under Sections 406/420/120-B, at Police Station City Jagadhri, District Yamuna Nagar.

In short, the case of the prosecution is that the petitioner along with his wife has committed fraud and cheating with the first informant by duping him of Rs.40,00,000/-.

The case of the prosecution in detail has been noticed by the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri in para No. 2 of the order, which is extracted as under:-

> *"2. As per police reply, on receiving a complaint No.1321, dated 27.2.2019 through S.P. Office, Yamuna Nagar against accused Narender Kumar, Deepa Rani and Kamal Sharma for committing cheating in conspiracy with each other moved by complainant Anuj*

> *Kumar son of Dharmanand Semwal, with the allegations that healongwith his brother Anup Semwal wanted to purchase a plot and for this, he and his brother contacted accused No.3 to purchase a plot, who introduced accused No.1 and the accused persons shown them a plot measuring 208 sq. yards in Chopra Garden and told that plot in question belonged to Deepa Rani-accused No.2 and is free from all encumbrance and is not hypothecated with any bank or Finance company and total amount was told as Rs.40 lakhs, whereas registered sale deed was executed for an amount of Rs.27, 10,000/- and on inquiry I.D. No.234C.301U.183, which was shown in the registered sale deed was not belonging to the plot purchased by them and that plot was already mortgaged with State Bank of India by Narender Kumar and Deepa Rani When they contacted the accused persons and demanded their money back, the accused persons did not return their money and thereby committed cheating with them in conspiracy with each other. On this complaint instant case was registered against the accused persons. Thus, the accused persons with dishonest intention cheated the complainant and usurp their money. On the basis of this complaint instant FIR was registered against the accused."*

Hearing of the case was held through video conferencing on account of lock-down.

Learned counsel for the petitioner contends that the case is triable by Magistrate and the petitioner is in custody since 01.07.2019. He further submits that the petitioner has been falsely implicated.

On the other hand, learned State counsel has submitted that the petitioner is involved in 4 criminal cases of cheating and he is the main accused. He further submits that the petitioner after having been granted concession of regular bail in a different FIR, absconded and was declared proclaimed offender. A separate FIR under Section 174-A IPC has also been registered.

Keeping in view the aforesaid facts more particularly when the petitioner has already misused the concession of regular bail in a different criminal case, this Court is not inclined to consider the prayer of the petitioner to grant concession of regular bail.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

May 15, 2020
nt

Whether speaking/reasoned :Yes/No
Whether reportable : Yes/No