

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

(Proceedings conducted through video Conference)

201

CRM-M-27216-2019 (O&M)

Date of decision: 22.05.2020

SARITA AND ANR.

... Petitioners

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Anurag Arora, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.
Mr. Manuj Nagrath, Advocate for the complainant.

REKHA MITTAL, J. (Oral)

Sarita and another accused in FIR No.0085 dated 24.05.2019 registered at Police Station Punjab Agriculture University, Ludhiana for offence under Sections 420 and 120-B IPC, have prayed for grant of bail in anticipation of arrest.

Counsel for the petitioners, at the outset, would inform that Karan Dhingra-petitioner No.2 was arrested in the case and as such, petition filed by him may be dismissed having rendered infructuous.

With regard to petitioner-Sarita, it is argued that she is 63 years old widow and ready to join investigation. It is further argued that present case has been registered on the basis of an agreement to sell dated 29.05.2018 and civil transaction has been sought to be given colour of criminality.

Counsel representing the complainant namely Jagdish Arora would argue that under the agreement of sale, the petitioner received Rs.1.25 crores towards earnest money/advance money but failed to execute the sale deed. It is further argued that out of Rs.1.25 crores, Rs.25 lakhs have been deposited in the account of petitioner No.1 who is one of the co-owners and co-vender of the property in dispute. It is further argued that as per the agreement, it was represented that the suit property is free from encumbrances; there is no litigation in respect of the property pending in the Court and there is no previous agreement for sale of the property. It is argued with vehemence that all these stipulations in the agreement of sale

were later found to be false as one Swaran Singh had initiated litigation on

the basis of previous agreement of sale, loan of more than Rs.60 lakhs was raised in respect of the property in question and as such, the same was not free from encumbrances.

Counsel for petitioner No.1, in reply, is not in a position to controvert the submissions made by counsel for the complainant in respect of false representation made in the agreement with regard to the aforesaid three stipulations.

I have heard counsel for the parties, perused the paper book particularly the FIR registered against the petitioners.

The petitioners made a statement before the Court, recorded in order dated 24.06.2019, that they are in the process of settling dispute with Swaran Singh by making payment of outstanding loan amount. It was also represented that after getting the dispute settled with Swaran Singh, petitioner would execute the sale deed in favour of the complainant. Counsel for the complainant raised no objection, if petitioners are granted interim protection subject to their executing the sale deed in respect of the property in dispute. The petitioners were allowed interim protection vide order dated 24.06.2019. They enjoyed the interim protection till 19.12.2019 when the interim order was vacated by this Court. Counsel for the petitioners made a statement before the Court that as deal with other litigant had not been materialised, petitioners are not able to execute the sale deed of the property in favour of the complainant. It appears that the petitioners availed interim protection by making false representation, knowing fully well that they had received a huge amount of Rs.1.25 crores under an agreement that contained various false representations. Taking into consideration gravity of offence, petitioner No.1 is not entitle to benefit of anticipatory bail, a concession to be extended by the Court in case a false case has been registered out of political vendetta or some extraneous considerations.

For the foregoing reasons, finding no merit, the petition is dismissed.

22.05.2020

ashok

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No