

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

Sr. No.101

CRM-M-741-2021

Date of decision: 28.04.2021

Amit Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.755 dated 12.10.2019 registered under Sections 420, 442 IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 at Police Station Civil Lines, District Karnal.

On 03.09.2019, the Estate Officer, Kalpana Chawla Government Medical College and Hospital, Karnal (for short – the Government Medical College) noticed unauthorized construction being made by the petitioner on the land of the Government Medical College. On enquiry, the Estate Officer was told by the petitioner that he had purchased the said land from co-accused Rajinder Kumar through a registered sale deed and that for such purchase he had paid an amount of Rs.2.35 crores.

On the ground that the petitioner and co-accused Rajinder Kumar had played fraud by claiming ownership and raising construction on

Government property the FIR in question was lodged.

When the present petition came up for hearing on January 11, 2021, on a query put by this Court, learned counsel for the petitioner, on instructions from the petitioner, submitted that on 07.09.2015, the sale consideration for the land in question i.e. Rs.2.35 crores, had been paid by the petitioner to co-accused Rajinder Kumar in cash. In view of such statement, the petitioner was directed to explain the source of the aforesaid amount of Rs.2.35 crores.

In spite of grant of six opportunities, no explanation is forthcoming from the petitioner with regard to the source of Rs.2.35 crores allegedly paid on 07.09.2015, in cash, by him to co-accused Rajinder Kumar as sale consideration for the purchase of the land in question which is alleged to be Government property. Even the costs imposed on the petitioner have not been deposited. Further, learned counsel for the petitioner submits that for the last 25 days, the petitioner has even failed to respond to his communications and that he has also not even bothered to find out from him the outcome of the present petition.

Co-accused Rajinder Kumar who had also applied for anticipatory bail through CRM-M-2909-2021 – Rajinder vs. State of Haryana was asked to show his income tax returns or other accounts wherein he had acknowledged payment of Rs.2.35 crores, in cash, from the petitioner on 07.09.2015. He also did not produce any records and chose to surrender before the investigating agency rendering his petition infructuous.

In view of the above deplorable conduct of the petitioner, which includes evading to respond to a Court query, he is held not entitled

to the grant of the concession of anticipatory bail.

Dismissed.

April 28, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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