

CRM-M-2638-2020 (O&M)

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

**CRM-M-2638-2020 (O&M).
Decided on: February 15, 2021.**

Sanjeev Kumar @ Sanjay Kumar

.. Petitioner

VERSUS

State of Punjab

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Agam Jund Mullanpur, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

**Mr.J.S.Gill, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.134 dated 15.11.2019, under Sections 406, 419, 420, 465, 467, 468, 471, 474 and 120-B IPC, registered at Police Station Mullanpur, District Mohali.

On 22.1.2021, this Court had directed that the present case be heard along with CRM-M-2749-2020 as the petitioner had stated that similarly placed co-accused namely Bharpur Singh has been granted

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interim protection by this Court. Although this Court had outrightly rejected the contention of the learned counsel for the petitioner that so far as Bharpur Singh is concerned, he is only a second witness of the sale deed but so far as petitioner is concerned, he is a property dealer who was supposed to know the nature of the property.

Today the learned State counsel has brought to the notice of this Court that petition for anticipatory bail filed by other similarly situated co-accused namely Ajay Gupta and Teja Singh, has already been dismissed by a coordinate Bench of this Court vide order dated 17.3.2020 passed in CRM-M-55641-2019. Therefore, it is directed that the present case be de-tagged from the aforesaid CRM-M-2479-2020.

Coming to the merits of the case, learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case because he was only a property dealer and even if he has received some amount in the transaction, he is ready and willing to return the same to the complainant. He has submitted that as per the prosecution, the petitioner received Rs.7 lacs and therefore, the petitioner is ready to return the entire amount to the complainant. He has further submitted that the petitioner was not beneficiary of the transaction and the sale deed was also not registered and therefore, he may be considered for the grant of anticipatory bail.

On the other hand, learned State counsel has submitted that in the present case other similarly situated persons namely Ajay Kumar and Teja Singh had filed petitions for anticipatory bail i.e. CRM-M-55641-

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2019 and CRM-M-10771-2020, and the same has been dismissed by a detailed order passed by a coordinate Bench of this Court on 17.3.2020. He has submitted that cheating and fraud has been committed by the petitioner who is a property dealer because the land did not belong to owners but it was a panchayat property which was sought to be transferred in the name of some of the accused persons in connivance with the petitioner and for that purpose, the petitioner had received the amount of Rs.7 lacs. He has submitted that it is a serious matter in view of the fact that the property was sought to be transferred by way of cheating and total Rs.30 lacs as earnest money was received from the complainant out of which Rs.7 lacs was received by the petitioner and therefore, he has prayed for dismissal of the present petition.

I have heard the learned counsel for the parties.

A coordinate Bench of this Court in CRM-M-55641-2020, by way of detailed order has dismissed the anticipatory bail application of similarly situated co-accused who were also the property dealers. So far as the present petitioner is concerned, the fact that the petitioner received an amount of Rs.7 lacs and that he is ready to return the same would not entitle him at this stage for the grant of anticipatory bail. Looking at the seriousness of the subject matter of the case in view of the fact that the property was sought to be transferred on the basis of fake jamabandi showing accused to be the owners of the property and thereafter by preparing GPA in favour of co-accused namely Rajinder Singh Bal and Kapur Singh and accordingly, have entered into an agreement to sell with

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the complainant, there can be no ground for interference. So far as role of the present petitioner is concerned, he has allegedly taken Rs.7 lacs out of total earnest money of Rs.30 lacs which in fact would be sufficient to decline the prayer of anticipatory bail to the petitioner. Being a property dealer, the petitioner was supposed to know the details of the property which was sought to be transferred and therefore, the argument raised by the learned counsel for the petitioner that petitioner was not the beneficiary would not be of any avail in view of the fact that he being a property dealer was obliged to be more responsible with regard to ascertaining the ownership of the property. Furthermore, it is the case of the prosecution that fake jamabandi and fake papers were made in order to get the sale deed effected and therefore, this Court is of the considered view that it is not a fit case where the petitioner should be granted the concession of anticipatory bail. Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 15, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No