

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

**CRM-M-7136-2021
Date of decision: 16.02.2021**

Balwinder Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition, filed under Section 438 Cr.P.C., for grant of anticipatory bail to petitioner in FIR No.184 dated 04.10.2020 under Section 420 IPC, registered at Police Station Dugri, District Police Commissionerate Ludhiana.

The first petition, bearing CRM-M-41004-2020, was dismissed by this Court on 25.01.2021 by passing the following order:

“...Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner entered into a final agreement to sell dated 14.03.2019 with the complainant for Rs.5,10,000/- and immediately thereafter, on 24.10.2019, he had executed GPA in favour of one Raj Niwas to further sell the same in favour of Mukesh Kumar. It is further submitted that the complainant has already filed a suit for specific performance and the petitioner has also filed a suit for permanent injunction that the complainant should not use the documents like cheque or the agreement to sell against him.

Learned State counsel as well as learned counsel for respondent No.2-complainant have opposed the prayer for bail on the ground that since the time, when the petitioner entered into a full and final payment agreement to sell, his intention was to cheat the

complainant and within a span of two months, the petitioner has further sold the property and executed the sale deed. This shows that the petitioner induced the complainant to part away his money with intention to cheat him.

After hearing learned counsel for the parties and looking into allegations in the FIR and also in view of the fact that despite receiving the entire payment for the plot, within a span of two months, the petitioner had sold the property to 3rd person, I find that intention of the petitioner was to cheat the complainant, since the time when he entered into an agreement to sell of full and final payment with the complainant.

The very fact that the petitioner had sold the property to 3rd person and had further filed a suit for permanent injunction against the complainant that he may not use the documents like agreement to sell against him, also shows that in a pre-planned manner, he has cheated the complainant.

In view of the above, present petition is dismissed.

However, the observations made in this order shall have no bearings on merits of the case, as the same are only for the purpose of deciding the present petition.”

Learned counsel for the petitioner seeks to reargue the entire case on the grounds which have already been argued and have been considered by this Court while dismissing the aforesaid first petition.

Accordingly, finding no new ground to grant concession of anticipatory bail to the petitioner, the present petition is hereby dismissed.

16.02.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No