

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

CRM-M-23420-2021

Date of Decision: 18.06.2021.

BALWINDER KUMAR

.....*Petitioner*

V/s.

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

(Through Video Conferencing)

Present: Mr. Vishal Sharma, Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in case FIR No.128, dated 15.05.2021, under Section 406, 419 and 420 of the Indian Penal Code, 1860 registered at Police Station City Nawanshahar, SBS Nagar, Punjab.

Learned counsel for the petitioner contends that the petitioner, who is a property dealer, has himself been duped by an imposter who introduced himself as the owner of the property in question and *qua* which the petitioner received ₹5,00,000/- as token money from complainant. He further contends that soon after the complainant learnt that the actual owner was someone else, he immediately called-off the deal pertaining to the property in question. He further contends that the petitioner has since returned an amount of ₹1,50,000/- out of the total ₹5,00,000/- taken by him and for the remainder of the amount he gave a cheque of ₹3,50,000/- which unfortunately was dishonoured by the Bank on account of insufficient funds.

Heard.

Perusal of the FIR in question leaves no manner of doubt that the petitioner has played a fraud upon the complainant by presenting an imposter in front of complainant who claimed to be the owner of the property in question.

On a pointed query put to the learned counsel for the petitioner as to whether the petitioner is involved in any other criminal case, it has been conceded that the petitioner is involved in another case of similar nature. He has further submitted that the petitioner has entered into a compromise with complaint in that case. Learned counsel for the petitioner submits that the petitioner is willing to pay the remaining amount to the complainant in the instant case as well.

In wake of the criminal antecedents of the petitioner, this Court is not inclined to extend any concession to the petitioner as it is evident he has been indulging in such like offences time and again and after duping innocent persons of their hard earned money, he has been trying to effect compromise with them. In the instant case as well the petitioner seems to be adopting the same *modus operandi*. Resultantly, the present petition is hereby dismissed.

June 18, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>