

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

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**CRM-M-31424-2021 (O&M)
Date of Decision: 30.09.2021**

Kuljit Singh Chawla

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.K. Tripathi, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

Mr. Shiv Kumar, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.227 dated 09.07.2021 at Police Station Central Faridabad, District Faridabad, under Sections 406/420/467/468/471 IPC.
2. The FIR was lodged at the instance of Mool Chand, wherein it is alleged that the petitioner had approached the complainant for sale of the land and had represented that said land was free from all encumbrances. It is alleged that the complainant being taken in by the said representation agreed to purchase 3 kanal 13 marlas of land for a sale consideration of Rs.3.5 Crores vide agreement dated 16.09.2020. It is alleged that an amount of Rs.70 Lakh was given to the petitioner out of which an amount of Rs. 5 Lakh was transferred by way of RTGS, while the remaining amount was paid in cash. The

complainant alleges that subsequently he came to know that the land in question already stood acquired by HUDA. However, when the complainant confronted the petitioner, the petitioner did not return any amount and rather threatened to eliminate him.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that in fact the complainant is a property dealer and has been pressurizing him to sell his land at throwaway price and in order to pressurize him had earlier also involved him in another FIR through another complainant i.e. FIR No.416 dated 30.10.2020 registered at Police Station Central Faridabad, under Sections 406/420/506/120-B IPC, wherein learned Additional Sessions Judge, Faridabad granted anticipatory bail to him. Learned counsel has further submitted that it is highly unbelievable that out of the alleged payment of Rs.70 Lakh only an amount of Rs.5 Lakh would have been given by way of RTGS and a huge payment of Rs.65 Lakh would have been paid by cash. It has been submitted that the complainant has not been able to account for the said huge payment of Rs.65 Lakh. Learned counsel has further submitted that in fact the acquisition proceedings had been quashed by this Court vide its judgment dated 31.08.2012.
4. Opposing the petition, learned State counsel assisted by counsel for the complainant has submitted that the land in question was originally owned by Bosa Ram, who had sold the same to Jaswinder Singh Chawla i.e. father of the petitioner and upon death of Jaswinder Singh Chawla, the land was inherited by the wife and sons of Jaswinder Singh Chawla. It has submitted that somehow the mutation was not sanctioned and it continued in the name of Bosa Ram. It has also

been submitted that the petitioner at one stage had got mutation sanctioned in his favour on the basis of some forged documents, which subsequently came to be cancelled on 05.09.2019. Learned State counsel has submitted that the petitioner in fact even on earlier occasion had cheated another person in an identical manner regarding which FIR No.416 dated 30.10.2020 came to be lodged. Learned State counsel has submitted that the order dated 31.08.2012 passed in CWP-10467-1998 and other connected petitions cannot be interpreted to be in respect of the entire land, which had been acquired and in fact pertains to the land of those petitioners only and that the instant petitioner was not a party to the said petition and that this Court vide its judgment dated 31.08.2012 had quashed notifications under Sections 4 and 6 of the Land Acquisition in respect of the acquisition only qua the petitioners, who had approached this Court and that as such it cannot be said that the entire acquisition stands set aside.

5. I have considered rival submissions addressed before this Court.
6. Upon perusal of the judgment dated 31.08.2012 passed by this Court, wherein acquisition in question had been challenged, it is evident that the notifications under Sections 4 and 6 of the Land Acquisition Act, pertaining to acquisition of land had been quashed only qua the petitioners and not qua the entire acquisition. The petitioner was not a party to the said bunch of petitions decided vide judgment dated 31.08.2012. Nothing has been shown to this Court that the petitioner at any stage had challenged the said notifications. In these circumstances, the petitioner having entered into an agreement for sale of the land which already stood acquired and having accepted a hefty amount of about Rs.70 Lakh has certainly defrauded and cheated the

complainant. Further, the antecedents of the petitioner reflect that he has cheated another person in an identical manner regarding which FIR No.416 dated 30.10.2020, Police Station Central Faridabad, under Sections 406/420/506/120-B IPC had been lodged. In these circumstances, this Court does not find any special case for grant of anticipatory bail. The petition is *sans* merit and is hereby dismissed.

30.09.2021

(GURVINDER SINGH GILL)

VY

JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**