

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

Sr.No.205

CRM-M No.32736 of 2021

Date of Decision: 04.10.2021

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Harmanpreet Singh Sehgal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab
for the respondent.

* * * *

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case pertaining to the FIR bearing No.132 dated 21.12.2020 registered at Police Station Kheri Gandian, District Patiala, under Sections 406, 420 and 120-B IPC, the petitioner has moved this petition for seeking the relief of anticipatory bail.

Shorn and short of unnecessary details, the allegations, as levelled by the complainant in the subject FIR, are that the petitioner is the brother-in-law of his (complainant's) sister and out of the sale proceeds of his land, he had handed over an amount of Rs.22 lacs to the petitioner for purchasing some land for him but neither the petitioner arranged for the purchase of the land for him nor returned the above-said amount to him and thus, he has cheated him (complainant).

Reply on behalf of the respondent-State has already been

.....

filed.

I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner had already arranged for the purchase of the land for the complainant and Annexure P-4 is the copy of the sale-deed in respect thereof and thus, the petitioner never intended nor has actually cheated the complainant and therefore, he be granted the relief as prayed for in the instant petition.

Per contra, learned State counsel argues that the complainant had paid the amount of Rs.22 lacs to the petitioner through Bank transactions and sale-deed Annexure P-4 had been executed in favour of the complainant and his brother jointly and moreover, the amount of sale consideration, as mentioned therein, is Rs.10,40,000/- only and in these circumstances, the present petition be dismissed.

A perusal of Annexure P-3, i.e. agreement to extend the time for the registration of the sale-deed, reveals that vendor Puran Kaur had agreed to sell her land in favour of Pargat Singh, the brother of the complainant, only but later-on, the said sale-deed, i.e. Annexure P-4, was executed in favour of the complainant and his afore-named brother jointly. It has categorically been mentioned in para No.4 of the reply-cum-affidavit (on merits) that the said sale-deed was executed in favour of the complainant to the extent of half share in the land in lieu of his

.....

(complainant's) having sworn an affidavit for executing the sale-deed in favour of his above-named brother qua the land situated in Village Behawalpur, Tehsil Rajpura. It has also been mentioned therein that the mediator of the agreement to sell (qua sale-deed Annexure P-4) has also made a statement to the effect that neither the petitioner had come to him nor had made any payment to vendor Puran Kaur or her son Satpal and rather, the payment of the sale consideration qua Annexure P-4 was made by said Pargat Singh and his brother-in-law and the above-named son of the vendor also made statement to the same effect. Annexures R-3/T and R-4/T are their respective statements. To cap it all, the complainant had allegedly paid the sum of Rs.22 lacs to the petitioner whereas the sale consideration in Annexure P-4 is shown to be Rs.10,40,000/- only.

In view of the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the concession of anticipatory bail. Resultantly, the petition in hand, being *sans* any merit, is hereby dismissed.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of this case.

04.10.2021
neetu

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No