

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

CRM-M-33174-2021 (O&M)
Date of Decision:-17.9.2021

Dharamvir

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjiv Kumar Aggarwal, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Om Parkash.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in a case registered vide FIR No.252 dated 5.7.2021 under Sections 406, 420/120-B IPC at Police Station Ambala City, District Ambala.
2. The FIR was lodged at the instance of Santokh Singh wherein it is alleged that he had purchased two acres of agricultural land which he had leased out to Jatinder, Inder Singh and Dhulia for a sum of ₹ 90,000/-. However, when he went to collect 'Theka' (lease money), they made excuses of illness and promised to pay the same at the time of harvesting of paddy crop. However, in order to cheat the complainant, Dhulia and other members of his family harvested the paddy crop and sold it but refused to pay the lease money to the complainant. It is alleged that the accused had, thus, cheated him. The matter was inquired into by the police. It was found that complainant

Santokh Singh and Raj Pal had purchased the property in question from Dharamvir Singh (petitioner) and an agreement to sell was executed wherein it was mentioned that the entire sale consideration of ₹ 15 lacs had been paid. The complainant Santokh Singh had thereafter given the land on lease to Ashok Kumar Dhulia who lateron refused to pay the agreed amount. Upon examination of the revenue record, it transpired that infact the land in question was owned by Karnal District Scheduled Castes Cooperative Workers Farm and as such, Dharamvir Singh had no power to sell the said land to the complainant, though, he sold the same while representing himself to be owner of the said land.

3. The learned counsel for the petitioner has submitted that the complainant has not levelled any allegation against the petitioner in the complaint made by him and that the only allegation levelled by him was that his lessee Dhulia had not paid the lease amount of ₹ 90,000/-. It has been submitted that the police for reasons best known to it has given a twist to the entire case and has now come out with allegation against the petitioner, though it was never the case of the complainant.
4. The learned State counsel has, however, opposed the petition and has submitted that it was during the course of the inquiry conducted by the police on the basis of complaint submitted by complainant Santokh Singh that it transpired that the land which the complainant Santokh Singh claimed to have purchased from Dharamvir Singh was infact never owned by Dharamvir Singh. It has been submitted that once the said very fact came to the notice of the police, the same could not be overlooked merely on the ground that the complainant had not pointed out the same.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the complainant Santokh Singh at the time of submitting his complaint to the police was aggrieved mainly on account of the lessee not having paid the lease amount of ₹ 90,000/-. However, upon inquiry, the police came across a bigger fraud inasmuch as Dharamvir Singh who had sold the said property to Santokh Singh was infact never the owner of the property and it was the Karnal District Scheduled Castes Cooperative Workers Farm, which was the owner. It is quite evident that the complainant was not aware about the correct position when the complaint was made. The petitioner Dharamvir Singh by selling the land in question in which he did not have any right and having taken a consideration amount has clearly cheated the complainant. The mere fact that the complainant did not state anything regarding the said cheating is of no avail to the petitioner as the said fact apparently was not in the notice of the complainant when the complaint was made and it surfaced only when the police made inquiry into the matter.
7. No special case for grant of anticipatory bail is made out. The petition is sans merit and is hereby dismissed.

17.9.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No