

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38540-2021 (O&M)
Date of Decision:-27.9.2021

Randhir Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harneet Singh Oberoi, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.28 dated 1.5.2021 at Police Station Singh Bhagwantpur, District Rupnagar under Sections 420, 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Navneet Jain, wherein it is alleged that Charan Singh and his son Randhir Singh represented to him that they have land measuring 5 killas in Village Solkhiya, District Roopnagar and that Darwara Singh had taken possession of the same but now the Civil Court has decided the matter in their favour. The said persons represented that in case the complainant pays an amount of ₹50 lakhs, then the complainant as well as the accused will take possession of the land and thereafter will divide the

land equally. Upon the said representation having been made the complainant went to see the land in question in May 2019 and thereafter gave a cheque for an amount of ₹2 lakhs to Charan Singh and to his son at Village Solkhiya. It is further alleged that thereafter he also gave cheques and cash on different dates to Charan Singh and to his son totaling an amount of ₹33 lakhs. Further on 16.7.2020 Charan Singh and his son Randhir Singh entered into an agreement with the complainant and accordingly the complainant paid an amount of ₹10 lakhs in cash and another amount of ₹5 lakhs through cheque. Later the complainant came to know that Charan Singh and his son Randhir Singh had cheated him as they had already entered into an agreement in respect of the same very land with two other persons.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that a perusal of the FIR itself would show that the complainant was very much aware about the pendency of litigation when he entered into the agreement and, as such, he cannot turn around later to say that he had been cheated.
4. Notice of motion.
5. At this stage, Mr. Harpreet Singh Multani, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State. Mr. Sunny Kumar Singla, Advocate has put in appearance on behalf of the complainant and accepts notice on behalf of the complainant.
6. Learned State counsel assisted by learned counsel for the complainant has, however, opposed the petition while submitting that in the instant case while the FIR refers to some litigation, which had been decided in favour of the

complainant but infact it later transpired that there were two other civil suits in respect of two earlier agreements entered into by the petitioner and his father, which were not honoured and in respect of which the said persons had filed civil suits seeking specific performance and infact the Civil Court had also restrained the accused Charan Singh from alienating the land in question.

7. In the instant case, while some amount is stated to have been paid by cheques, but some has been paid by cash. Although the learned counsel for the petitioner has vehemently argued that the amount alleged to have been paid by cash cannot be believed as the same is a substantial amount but the said contention cannot be accepted at this stage particularly when there is an agreement in writing to this effect, wherein the amount of ₹50 lakhs has been mentioned. Both the father and son i.e. Charan Singh and Randhir Singh (petitioner) were stated to be present whenever there was any meeting amongst the parties and infact some amount has also been given to the petitioner Randhir Singh and who is stated to be consenting party. In view of the aforestated position, this Court does not find any special case for grant of anticipatory bail. The petition is sans merit and is hereby dismissed.

27.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No