

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

CRM-M-39309-2021 (O&M)

Date of Decision:- 13.12.2021

Rinku and another

.... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Varunaditya Gupta, Advocate for
Mr. Ashit Malik, Advocate, for the petitioners.

Ms. Sheenu Sura, DAG, Haryana
assisted by SI Inder Raj.

Mr. Amandeep Singh, 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. 258, dated 19.7.2021, Police Station Chandhuth, District Palwal, under Sections 406, 420 IPC.
2. At the time of issuance of notice of motion the following order was passed on 21.9.2021:

“Today, at the very outset, learned counsel for the petitioners submits that his clients are willing to settle the matter amicably with the complainant for an amount of ₹10 lakhs as full and final settlement to be paid in installments while reserving their rights to contest the allegations levelled against them.

Notice of motion for 15.11.2021.

At this stage, Mr. Amandeep Singh, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

Learned counsel for the complainant has submitted that he has instructions from his client to effect a compromise if the same is on reasonable terms and that in case the petitioners pay the aforesaid agreed amount of ₹10 lakhs in 5 equal monthly installments of ₹2 lakhs each from 7.10.2021 onwards, his client would have no objection for grant of anticipatory bail to the petitioners or even for quashing of the FIR.

In view of the aforestated position, it is ordered that in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Since it has been submitted by learned counsel for the petitioners that bank account of petitioners has been seized by the police pursuant to some application moved by the complainant, it shall be expected that the complainant would assist the petitioners in getting the said account defreezed so as to facilitate payment of the amount in question. It is, however, clarified that in case the bank account of petitioners has been seized on account of some other reasons, the complainant would not be obliged to do the needful.”

3. Despite the aforesaid order and despite the matter having been adjourned thereafter also, no amount has been paid by the petitioners to the complainant as had been represented before this Court on 21.9.2021.
4. As per the allegations levelled in the FIR, the petitioners had represented to the complainant on 20.12.2020 that they were selling their land and that the complainant could purchase the same. The complainant agreed for the proposal to buy 7 *bighas* of land for an amount of Rs.70 lakhs. Next day, the complainant went to Palwal where he met Netram, Madan Lal, Rinku and Khem Chand who were also accompanied by Narain. When they requested Tehsildar for separation of *khewat* of Rinku and his brothers, the Tehsildar said that all the 4 brothers should come together. The complainant has alleged that on 24.12.2020, he gave an amount of Rs.10 lakhs to Netram and in his presence Net Ram and Madan Lal called Rinku and his brother Khem Chand and the amount of Rs.10 lakhs was given to them against receipt duly signed by Rinku and Khem Chand and witnesses. It is alleged that later on 12.1.2021 Rinku and Khem Chand cleared the dues of the Bank and Netram gave him a copy of No Objection Certificate but the sale deed was not executed in his favour and later they came to know that Rinku and Khem Chand have sold the land to somebody else. It is further alleged that although the complainant had been requesting the accused to return the amount which had been fraudulently obtained from him but the same has not been returned. The aforesaid conduct of the petitioners as reflected

from the FIR and also the conduct of the petitioners before this Court wherein a misrepresentation was made on their behalf that they would deposit an amount of Rs.10 lakhs but have not done so would dis-entitle the petitioner for grant of bail.

5. The petition is sans any merit and is hereby dismissed.

13.12.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No