IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41004-2020 (O&M)
Date of decision: 25.01.2021

Balwinder Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Pannu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vikram Satpal Anand, Advocate
for respondent No.2-complainant.

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ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.184 dated 04.10.2020 under Section 420 IPC, registered at Police Station Dugri, District Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner entered into a final agreement to sell dated 14.03.2019 with the complainant for Rs.5,10,000/- and immediately thereafter, on

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24.10.2019, he had executed GPA in favour of one Raj Niwas to further sell the same in favour of Mukesh Kumar. It is further submitted that the complainant has already filed a suit for specific performance and the petitioner has also filed a suit for permanent injunction that the complainant should not use the documents like cheque or the agreement to sell against him.

Learned State counsel as well as learned counsel for respondent No.2-complainant have opposed the prayer for bail on the ground that since the time, when the petitioner entered into a full and final payment agreement to sell, his intention was to cheat the complainant and within a span of two months, the petitioner has further sold the property and executed the sale deed. This shows that the petitioner induced the complainant to part away his money with intention to cheat him.

After hearing learned counsel for the parties and looking into allegations in the FIR and also in view of the fact that despite receiving the entire payment for the plot, within a span of two months, the petitioner had sold the property to 3rd person, I find that intention of the petitioner was to cheat the complainant, since the time when he entered into an agreement to sell of full and final payment with the complainant.

The very fact that the petitioner had sold the property to 3rd person and had further filed a suit for permanent injunction against the complainant that he may not use the documents like agreement to sell against him, also shows that in a pre-planned manner, he has cheated the complainant.

In view of the above, present petition is dismissed.

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However, the observations made in this order shall have no bearings on merits of the case, as the same are only for the purpose of deciding the present petition.

[ARVIND SINGH SANGWAN]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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