

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

CRM-M No.10121 of 2022 (O&M)

Date of decision: 10.03.2022

Satish Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Kathuria, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.7 dated 04.01.2022 registered under Section 406 IPC at Police Station Thanesar City, District Kurukshetra.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of the complainant, it is stated that Rs.4.85 lacs was paid to the petitioner on different occasions, however, he has refused to return the amount. It is further submitted that, in fact, the petitioner has entered into an agreement to sell dated 19.09.2016, with one Balkar Singh, who is stated to be nephew of the complainant and the petitioner has agreed to sell a shop in favour of Balkar Singh and out of Rs.12.00 lacs, a sum of Rs.7.00 lacs was paid as earnest money as per the sale deed dated 31.07.2017 but due to some unavoidable circumstances, the petitioner could not get the sale deed executed and therefore, the agreement was cancelled on 07.01.2022 and the amount was paid back to Balkar Singh.

On a Court query, as to how the complainant is related with the said transactions, counsel for the petitioner submits that the complainant was a witness to the agreement to sell, however, copy of the same is not placed on record and rather a cancellation deed dated 07.01.2022 (Annexure P-1) has been placed on record, in which the complainant is not a witness rather 02 other persons namely Satpal Singh and one Balinder Singh are the witness to the same and therefore, on the face of it, it appears that the petitioner has set up the said agreement to sell or cancellation of agreement to sell, just to escape his liability towards the petitioner, who has nothing to do with the same.

On the other hand, counsel for the State has opposed the prayer for bail.

After hearing the counsel for the parties, considering the fact that there are serious allegations of cheating against the petitioner, I find no ground to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.03.2022
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No