

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

CRM-M-10708-2022(O&M)

Date of decision: 14.03.2022

Ajay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. M.K. Bali, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 176 dated 15.12.2021, registered under Section 420/34 IPC, at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner submits that the petitioner has nothing to do with the present case and has falsely been involved; that the dispute is of civil nature; that the alleged agreement was executed by co-accused Promilla on 10.11.2014 for land measuring 9.25 *marla*, whereas the present FIR was registered on 15.12.2021 i.e. after a gap of more than seven years; that the petitioner has allegedly received the amount on behalf of the original owner and that the petitioner was having no intention to cheat the complainant.

He further submits that earlier, complainant-Shiv Kumar approached this Court vide CRWP-11074-2021 for protection of his life and liberty at the hands of the private respondents; that the said petition was

disposed of with a direction to respondent No. 3-Senior Superintendent of Police, Ropar, to decide his representation dated 10.08.2021 (Annexure P-2), vide order dated 24.11.2021.

I have heard the learned counsel for the petitioner and have also gone through the paper-book.

In the aforesaid agreement to sell dated 10.11.2014, it is specifically mentioned by co-accused Promilla that she had agreed to sell the land at the rate of Rs. 2,55,000/- with Shiv Kumar and has received Rs. 2 lakhs as an earnest money.

There are specific allegations against the petitioner that the petitioner and co-accused were not the owners of the land in question, even then they had agreed to sell the same to the complainant and received Rs. 13 lakh as earnest money from the complainant and at one stage, when the complainant came to know regarding the cheating, he had suffered a brain stroke and been admitted to DMC Ludhiana and suffered got 60 % disability.

Considering the very nature of the allegations contained in the FIR, the custodial interrogation of the petitioner is must. Hence, the petitioner does not deserve the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

14.03.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No