

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

CRM-M No.13671 of 2021 (O&M)

Date of decision: 04.07.2022

Ramesh Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Santwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Atul Goyal, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.103 dated 10.07.2020 registered under Sections 420, 406, 120-B IPC at Police Station Sri Anandpur Sahib, District Rupnagar.

At the very outset, it is worth noticing that on 10.09.2021, the arrest of the petitioner was stayed by this Court as counsel for the petitioner has stated that there is possibility of some settlement and the matter be referred to the Mediation and Conciliation Centre of this Court. Thereafter, as per the report of the Mediator, no settlement has been arrived at.

Counsel for the petitioner has argued that the FIR has been registered at the instance of one Balbir Singh with the allegations that the petitioner Ramesh Kumar and his wife Reena Devi, in conspiracy with each other, have committed a fraud with the complainant and his

mother. It is stated that the complainant and his mother got a payment of Rs.1.67 crores by the State Government on account of acquisition of their land. The petitioner is the neighbour of the complainant and is having cordial relation with him and proposed that he will manage land measuring 46 marlas of land @ Rs.55,000/- per marla. Trusting the petitioner, the complainant came to the Court premises on 09.05.2017 and made payment by way of cheque in the name of one Inderjit Singh to the tune of Rs.23.30 lacs as sale consideration of the aforesaid land and the petitioner assured that later on, he will get the sale deed of the land executed in the name of the mother of the complainant, however, the petitioner manipulated sale of 20 marlas of land in favour of accused No.2 i.e. wife of the petitioner namely Reena Devi, for which the entire sale consideration was paid by way of cheque by the complainant. Later on, the petitioner assured that he will get the land transferred in his name, however, finding that in fact, the petitioner and his wife have played a fraud with the complainant and by betraying the trust, has succeeded in getting part of the land transferred by way of sale deed in the name of his own wife and thus, has misappropriated Rs.19.50 lacs of the complainant on account of acquisition of land.

During the course of arguments, counsel for the petitioner has fairly conceded that in the sale deed executed in favour of Reena Devi, the entire sale consideration was paid by the complainant and the petitioner or his wife did not make payment of any amount to Inderjit Singh, the seller. Counsel for the petitioner has further submitted that till date, though the amount has been repaid in cash, however, there is no receipt of the amount and he has the instructions to say that the

petitioner is not willing to transfer the land in favour of the complainant or his mother.

Counsel for the State assisted by counsel for the complainant has submitted that it is a clear case where the petitioner enjoying a relationship of trust manipulated with the complainant side and in this process, the petitioner got part of the land of value of Rs.19.50 lacs transferred in the name of his wife Reena Devi.

After hearing the counsel for the parties, this Court find that the ingredients of Sections 406, 420 read with Section 120-B IPC are primarily made out from the bare perusal of the FIR as the petitioner got the sale deed worth Rs.19.50 lacs which was paid through cheque by the complainant, on an assurance given that the sale deed will be executed in favour of the mother of the complainant, but by playing fraud, the petitioner got the same transferred in favour of his wife Reena Devi (co-accused). Not even this, the petitioner took substantive time by giving a false representation before this Court that he is ready to settle the dispute with the complainant and believing it to be correct, this Court has stayed the arrest of the petitioner, however, as per the report of the mediator, the petitioner has refused to settle the dispute despite the fact that the entire payment was made by way of a cheque.

Accordingly, the present petition is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

04.07.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No