

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

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CRM-M-22920-2022 (O&M)

Date of decision: 09.11.2022

MAHABEER SISODIA

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Yashdev Kaushik, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

Mr. Peeush Gagneja, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

CRM-42310-2022

This is an application to implead Baldev Singh son of Dharam Singh as respondent No.2 in the present petition.

With no objection from the learned State counsel and learned counsel for the petitioner, the present application is allowed.

Baldev Singh son of Dharam Singh is hereby ordered to be impleaded as respondent No.2 in the array of parties.

Amended memo of parties is taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-42302-2022

With no objection from the learned State counsel and learned

counsel for the petitioner, the present application is allowed.

Annexures A-1 to A-3 are taken on record.

Registry is directed to tag the same at an appropriate place.

CRM-M-22920-2022

Through the instant petition, the petitioner seeks anticipatory bail in case bearing FIR No.231 dated 24.04.2022, registered under Sections 420, 406 IPC and Sections 467, 468, 469, 471 IPC (added later on), at Police Station Mujesar, District Faridabad.

Learned counsel for the petitioner submits that the alleged agreement to sell dated 30.05.2018, was executed by the petitioner with the wife of the complainant, on behalf of the original owner, namely, Ranbir Singh; that the aforesaid fact finds a due mention in the agreement; that the petitioner has received a sum of Rs.6,36,000/- through bank transfer; that, since the wife of the complainant had failed to perform her part of the agreement, aforesaid amount stood forfeited; that, in order to put pressure on the petitioner, the present FIR has been got registered and that the petitioner has never induced the complainant or his wife. He further submits that neither the complainant nor his wife has filed any suit for specific performance of the alleged agreement to sell and that the limitation period of three years for filing the suit, has since expired.

Per contra, while opposing the prayer for grant of anticipatory bail to the petitioner, learned State counsel and learned counsel for the complainant submit that though the petitioner has been granted interim protection by this Court on 25.05.2022, yet he is not cooperating with the

investigating agency.

Learned counsel for the complainant submits that the petitioner had earlier executed another agreement to sell dated 19.11.2013 with one Saroj Bala and received a sum of Rs,17,40,000/- from her and that Saroj Bala moved a complaint to the Economic Offences Wing on 13.04.2022 against the petitioner. He further submits that the petitioner is in the habit of selling the same property to different persons, in order to usurp the money of the innocent buyers.

I have heard the learned counsel for the parties.

As noticed above, the petitioner is not the registered owner of the property in dispute. Further, there is no denial to the fact that the petitioner has sold the same property to one Saroj Bala at a prior point of time and thereafter, he executed an agreement to sell with the wife of the complainant. This shows the criminal bent of mind, the petitioner is having since inception. Above all, despite having availed the concession of ad-interim anticipatory bail from this Court, the petitioner has not cooperated with the investigating agency.

Thus, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

09.11.2022

Aman Jain

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No