

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39926-2021
DECIDED ON:12th SEPTEMBER, 2022

ANURAG SHARMA

....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harsh Aggarwal, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J

The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 189, dated 20.07.2021 (Annexure P-1), under Sections 406, 420 and 120-B IPC registered at Police Station Haibowal, District Ludhiana.

Brief facts of the case are that in August 2015, Harinder Pal Singh came to house of complainant-Balbir Kaur at Ludhiana and told her that flats are being sold in Paras Panorma Building Kharar, Mohali. Harinder Pal Singh introduced the complainant to property dealers i.e. Amanjot Mahal & Anurag Sharma (petitioner). They showed two flats bearing No. 6005 and 6007, Tower B-1, Paras Panorma, Kharar to the complainant and her family members. The afore-said persons were also present at the site and told them

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9 that these flats were owned by Harnesh Pal Singh. All the afore-said persons

told the complainant and her family that Harnesh Pal Singh will sell the flats for Rs.98,60,000/-. Thereafter the complainant paid the price of both the flats in cash as well as through cheques to the afore-said persons. The complainant paid Rs.52 lacs in cash to Anurag Sharma (petitioner) and got a receipt of payment on a plain paper. Thereafter, the complainant asked the afore-said persons number of times to arrange a meeting with the owner of the flats and also to execute sale deed but these persons kept on postponing the matter on one pretext or the other. Thereafter they started saying that Harnesh Pal Singh has run away along-with money.

Learned counsel for the petitioner submits that there is delay of six years in lodging the FIR and the petitioner has been falsely implicated in the present case. He further submits that the entire transaction is of civil nature and has been wrongly given the colour of criminal proceedings. No offence under Section 406 or 420 IPC is made out against the petitioner. Assertion is that the petitioner was found innocent by the police and has been made scape goat in the present case, as Harnesh Pal Singh has been declared PO in another FIR.

Learned State counsel submits that petitioner is specifically named in the FIR and the allegation against the petitioner is that he received an amount of Rs.52 lacs in cash from the complainant, for which the petitioner issued a receipt. Petitioner has played an active role in commission of offence. Accordingly, he prays for dismissal of the present petition.

There are specific allegations against the petitioner regarding fraud and cheating. The petitioner in connivance with his co-accused committed fraud by showing two plots belonging to Harnesh Pal Singh. Out of the total consideration of Rs.98,60,000/- some amount has also been

transferred in the account of the petitioner. Neither the petitioner executed the sale deed in favour of the complainant nor returned the amount, taken by him, till today, as such he played an active role in the commission of offence.

Keeping in view of the nature and gravity of offence, this Court does not deem it a fit case for grant of anticipatory bail. To unearth the ramifications involved in the matter, custodial interrogation of the petitioner is necessary.

Dismissed.

(SANDEEP MOUDGIL)
JUDGE

12th SEPTEMBER, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>