

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42658-2021 (O&M)
Date of Decision:-31.3.2022

Dharmender Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.R. Yadav, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.46 dated 18.2.2021, Police Station Ateli, District Mahendergarh (Haryana), under Sections 386, 392, 397, 506, 120-B read with Section 34 of Indian Penal Code, Section 25 of Arms Act, wherein offences under Sections 397 and 120-B of Indian Penal Code were added later on.
2. The FIR in question was lodged at the instance of Sandeep Kumar, wherein it is alleged that in January 2011, he had entered into an agreement with one Prem Lata and Sharwan Devi for purchasing 17 kanals of land for an amount of Rs.25.50 lakhs and out of the said sale consideration, he had paid an

amount of Rs.22.50 lakhs as earnest money. However, the aforesaid Prem Lata and Sharwan Devi were not coming forward to execute the sale-deed, constraining the complainant to file a civil suit, which was decreed in his favour. Despite the said decree, the complainant was unable to get the sale-deed executed in his favour. It is alleged that subsequently Vikram @ Bardu and Yogender accompanied by one more person, told the complainant to accept an amount of Rs.30 lakhs from them and to give up his claim in the said land. It is alleged that said Yogender also brandished a pistol and threatened that in case the complainant did not agree for the said deal, he would be eliminated. The complainant has thus alleged that he was forced to get the sale-deed registered in the name of wife of Dharmender Master (petitioner) and was given an amount of Rs.30 lakhs though he did not intend to sell the land. It is further alleged in the FIR that the complainant had also entered into an agreement for purchase of a plot measuring 2 marlas situated in Ateli Mandi, District Mahendergarh for an amount of Rs.25 lakhs from one Rati Ram and had given an earnest amount of Rs.11.50 lakhs. Since Rati Ram was not coming forward to execute the sale-deed, Yogender offered to get the same executed for an amount of Rs.3 lakhs as commission. It is further alleged that said Yogender was accompanied by Vikki @ Vikrant and said Vikki @ Vikrant issued a threat that in case the complainant did not cooperate with them, then the complainant would lose his life. It is further alleged that Yogender asked the complainant to come to his office in Ateli, District Mahendergarh alongwith the balance payment and also their commission i.e. a total amount of Rs.20 lakhs. When the complainant went to the office of Yogender on 15.2.2021 alongwith a cash amount of Rs.16 lakhs and a cheque of Rs.4 lakhs, he found that Yogender and one more person

were present there. Another 4 boys came there and they snatched the amount of Rs.16 lakhs, which the complainant was carrying.

3. Learned counsel for the petitioner has submitted that the petitioner is a Teacher by profession and has a clean record and that, even if the allegations as levelled in the FIR are taken to be correct, the complainant was more than compensated in respect of the land in question inasmuch as though the complainant states that he had purchased the land for an amount of Rs.25.50 lakhs but the complainant admits having received an amount of Rs.30 lakhs from the petitioner in respect of the land in question.
4. Learned counsel for the petitioner further submits that as far as the second transaction as mentioned in the FIR is concerned, it has specifically been stated in the reply filed by State that the amount of Rs.16 lakhs has already been returned to the complainant. Learned counsel submits that the petitioner has nothing to do with the said second transaction.
5. On the other hand, learned State counsel submitted that since it is a case where the complainant was forced to sell off the land to petitioner's wife though he did not voluntarily want to sell the same, the complicity of the petitioner is clearly evident. Learned State counsel has, however, not disputed the fact that admittedly the complainant had received an amount of Rs.30 lakhs in respect of the land sold to petitioner's wife. It has also not been denied that the second transaction has nothing to do with the petitioner. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner has a clean record.

6. In view of the aforestated position, wherein the complainant has received an amount of Rs.30 lakhs in respect of the land sold by him though he had purchased the same for an amount of Rs.25 lakhs and also keeping in view that the petitioner has already joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 11.10.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

31.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No