

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

Date of decision : 03.07.2023

1. CRM-M-5018-2021

Virender @ Vikas

Vs.

...Petitioner

State of Haryana and another

...Respondents

2. CRM-M-6552-2021

Virender @ Vikas

Vs.

...Petitioner

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Apoorva Arya, Advocate for
Mr. Jagmohan Ghumman, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavata, AAG, Haryana.

Mr. Abhimanyu Singh, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioner has filed the above mentioned two petitions under Section 439 (2) read with Section 482 Cr.P.C for cancellation of anticipatory bail granted to accused, namely, Kuldeep and Sanjna vide respective orders dated 04.12.2020 and 29.10.2020, in case FIR No.174 dated 06.10.2020 registered under Sections 406 and 420 Indian Penal Code, 1860 (Section 34 IPC added later on) at Police Station Sector-65, District Gurugram.

Learned counsel for the petitioner has argued that learned

Additional Sessions Judge, Gurugram has not examined the facts and circumstances of the case carefully while granting anticipatory bail to the accused vide respective orders dated 04.12.2020 and 29.10.2020. He submits that the petitioner/complainant had sold his land measuring approximately 18 kanal for total sale consideration of Rs.5.41 crores to respondents/accused persons and against the total sale consideration, a sum of Rs.3.03 crores was paid by issuing six different cheques, but upon presentation the cheques were dishonoured as the payment was stopped by the drawer. He submits that this resulted in wrongful loss to the complainant, therefore, bail granted to respondents/accused deserves to be cancelled.

On the other hand, learned counsel appearing on behalf of the accused/respondent No.2 has argued that the complainant played fraud upon the purchasers by concealing the execution of an agreement to sell dated 08.06.2019 in respect of the subject property, in favour of Ms. Sita Chaudhary and Mrs.Vijay Kumari and others, and in this regard, a civil suit titled as “Sita Chaudhary and others Vs. Virender @ Vikas” is also pending adjudication. He submits that the Additional Sessions Judge, Gurugram has carefully examined the material on record while extending the concession of anticipatory bail to the accused persons, therefore, no interference is warranted by this Court.

Upon hearing the learned counsel for the parties and considering their submissions, this Court finds that the case of the prosecution is founded upon documentary material and in respect of the subject property civil suit filed by petitioner bearing No.996/2020 seeking

cancellation of the sale deed is also pending adjudication. During the course of hearing, no material has been shown to establish that either the accused persons had mislead the Court while seeking anticipatory bail or ever misused the concession.

No other argument has been raised.

Resultantly, this Court is not inclined to exercise the jurisdiction under Section 439(2) Cr.P.C.

Petitions are dismissed.

(MANOJ BAJAJ)
JUDGE

03.07.2023

vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No