

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

CRM-M-6388-2023
DECIDED ON: 07th FEBRUARY, 2023

ISHWAR SINGH SANGWAN **...PETITIONER**

VERSUS

STATE OF HARYANARESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Raman Chawla, Advocate
for the petitioner.

SANDEEP MOUDGIL, J. (ORAL)

Prayer in the present petition is for grant of pre-arrest bail to the petitioner in case FIR No. 1185, dated 21.12.2022, under Sections 406, 420, 506 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station HTM Hisar, District Hisar (Annexure P-1).

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The allegations levelled against the petitioner is for duping an amount of Rs.67,00,000/- in the name of plot are false and unsustainable. In fact the dispute is with regard to non-performing of contract between the parties and the complainant has other efficacious remedy to perform the contract by way of specific performance of contract either to register the plot or to refund the amount. It is asserted that the dispute in the present case is purely of civil nature and the same has been given colour of criminal proceedings by way of present FIR. It is further asserted that no recovery is alleged to be made from the petitioner.

Notice of motion.

On the asking of Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of respondent-State.

At this stage, Mr. Sunil Saharan, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney, which is taken on record.

Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the petitioner has fraudulently obtained Rs.67,00,000/- from the complainant on the pretext of selling his plot. The assertion is that the petitioner has neither executed the sale deed nor has returned the earnest money to the complainant.

Heard learned counsel for the parties at length.

The petitioner has entered into an agreement to sell with the complainant to sell his plot No.2637P, Sector 4, Hisar and has received an amount of Rs.67,00,000/- from the complainant. The date for execution of sale deed was fixed as 08.05.2022. But the plot in question has already been cancelled by the HUDA on 05.05.2022 due to non-payment of remaining 75% of the auctioned amount. From the perusal of record it is forthcoming that the petitioner has deposited the afore-said amount in the account of his another plot No. 2640 Part-II, Sector Hisar, with HUDA office.

The allegations against the petitioner are very serious in nature and custodial interrogation of the petitioner is required to unearth all the ramifications involved in the present case. There is also no material to establish the innocence of the petitioner, hence, the question of admitting him on bail does not arise at all.

In view of afore-said discussions, the present petition is dismissed being devoid of any merits.

7th FEBRUARY, 2023

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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>