

CRM-M-8713 of 2023

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

CRM-M-8713 of 2023
Date of decision: 17.02.2023

Krishan Mathur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Deepak Kundu, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

Mr. Mohit Rathee, Advcoate,
for the complainant.

NAMIT KUMAR, J. (ORAL)

Instant second petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.159 dated 01.04.2022 under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, registered at Police Station Sampla, District Rohtak, Haryana.

Present FIR was registered on a complaint moved by complainant-Shamsher alleging therein that about two months ago Sandeep son of Ravinder had come to Jai Ram Vatika and he told them that a closed factory constructed in 2 acres at Gijhi Road was available for sale. They (complainant etc.) stated to him that said land was disputed land and therefore, they would not purchase the same. After one week, said Sandeep again visited them and he told Ramesh that he

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had brought two owners of said factory with him. He also stated that there was no dispute regarding said land and general power of attorney holder is Arjun Vats, resident of Delhi, who is known to him. Ashok is also known to him for the last 7-8 years. Ramesh asked Sandeep to verify the general power of attorney from Tehsil Sampla. The same GPA was sent to Gaziabad for verification and only a fact was verified that the same was prepared at Gaziabad. However, no verification was got done regarding number of persons and actual owner of the property. Thereafter, they called Ramesh at Zim Khana Club, Bahadurgarh and amount of Rs.1 crore and 60 lacs per acre was fixed for the land. Said proceedings had taken place in presence of Devraj also. Rs.50,000/- were paid as token money. On 9.3.2022, Rs. One crore were paid on the guarantee that Sandeep was a right person. The complainant also stated that they were paying the said amount on the faith of Sandeep. On 10.03.2022, when the complainant started work at the said land then the Chowkidar of the land asked the complainant to stop the work. They talked to the original owners, who denied for sale of the land. They requested for three days time and left the place. On asking from Sandeep about the current situation, Sandeep stated that phone of Arjun and Ashok were switched off. On 15.3.2022, they went to the house of Arjun with accused Sandeep. On verification, it was found that he had left the place since last three months. They tried to search Ashok also. They came to police station Sampla and informed the police about the cheating committed with them. Since that day mobile phone of accused Sandeep is switched off and he has cheated the complainant by making

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false GPA. Accused Sandeep and Arjun had taken Rs.80,50,000/- in cash and four cheques of Rs.5 lacs each. The said amount of these cheques has been cleared in the account of Arjun Vats. They requested accused Sandeep for paying back their money. In reply to that, the accused threatened to kill them.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. He has not been named in the FIR and has been nominated as an accused on the basis of disclosure statement of co-accused. He further submits that petitioner has nothing to do with the offence and no recovery is to be effected from him. Learned counsel for the petitioner relies upon affidavits dated 23.01.2023 (Annexure P-2) of complainant and other victim to contend that no transaction had taken place between them and the petitioner. He further submits that petitioner is ready and willing to join the investigation.

Mr. Vikrant Pamboo, DAG, Haryana, who appears on receipt of advance copy of the paperbook, opposes the prayer for grant of anticipatory bail to the petitioner stating that to extract the truth custodial interrogation of the petitioner is necessary.

Mr. Mohit Rathee, Advocate, who appears on behalf of the complainant, denies the execution of affidavits dated 23.01.2023 (Annexure P-2) relied upon by the petitioner.

I have heard learned counsel for the parties and perused the record.

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Petitioner has earlier filed petition bearing CRM-M-44101 of 2022 seeking anticipatory bail, which was dismissed as withdrawn by this Court vide order dated 11.01.2023. Now the petitioner has again approached this Court by way of present petition under Section 438 Cr.P.C. for grant of anticipatory bail without showing any change of circumstances merely relying on the affidavits (Annexure P-2) indicating that petitioner has no concern with this case, which have been denied by learned counsel appearing on behalf of the complainant. The allegations against the petitioner are quite serious in nature. Custodial interrogation of the petitioner is required to recover the amount of Rs.30,00,000/- and to ascertain the whereabouts of other accused. No extraordinary circumstances exist to grant concession of anticipatory bail to the petitioner.

Moreover, petitioner is a habitual offender as he is involved in following six more cases: -

Sr. No.	FIR/Date	U/S	P.S.
1.	12/08.03.2003	452, 323 IPC	Mahipalpur, Delhi
2.	39/22.09.2003	379, 411	Patel Nagar, Delhi
3.	658/08.09.2003	25, 54, 59 of the Arms Act	Malviya Nagar, Delhi
4.	660/09.09.2003	411 IPC	Malviya Nagar, Delhi
5.	237/07.10.2012	448, 511, 420, 468, 471 IPC	Dwarka, North Delhi
6.	247/05/11/2012	323, 452, 506, 34 IPC	Chhawla, Delhi

In view of judgment of this Court in *Sukhjīt Singh alias Bawa and others Versus State of Punjab and another,2022 (1) RCR (Criminal)352* there are neither any substantial change of circumstances nor exceptional change of circumstances so as to entitle the petitioner to file second application for anticipatory bail. Apparent

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from second petition moved by the petitioner, neither any reason for withdrawal of first application stated nor any circumstance much less, exceptional circumstance brought forth. Thus, second petition for anticipatory bail is not maintainable.

Reliance can be placed upon the Hon'ble Supreme Court dictum passed in *Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (CrL.) 598* and *Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364* whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

In view of the above, present petition is dismissed.

17.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No