

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M-32709-2022 (O&M)

Date of decision: 22.05.2023

Karambir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

Mr. Amit Choudhary, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under section 438 of the Cr.P.C. in case FIR No.570 dated 11.11.2021 under Sections 406 and 420 of the IPC registered at Police Station City Fatehabad, District Fatehabad.

2. Vide order dated 28.07.2022, a Coordinate Bench of this Court while issuing notice of motion had passed the following order:-

“Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the dispute is purely civil in nature, which has been given the colour of the criminal proceedings; that no agreement to sell was executed by the petitioner in favour of the complainant at any stage; that it was the complainant, who has taken the signature of the petitioner on blank paper; that the petitioner has no occasion to appear before the revenue authority to mark his presence, as no agreement to sell was executed by him.

Notice of motion for 13.09.2022.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. AG Haryana, accepts notice on behalf

of the respondent-State.

In the meantime, no coercive action shall be taken against the petitioner.”

3. On being put to notice, the prayer of the petitioner was vehemently opposed by the learned State counsel as well as the counsel for the complainant.

4. Learned counsel appearing for the complainant on the last date of hearing had apprised the Court that the during the pendency of the instant petition, the civil suit which was pending between the parties had been decreed in favour of the complainant. It had been further brought to the notice of this Court by the learned State counsel as well as learned counsel for the complainant that it could not be said to be a purely civil dispute as the petitioner had not only cheated the present complainant but had also played a fraud on a number of persons by selling the same suit property to them by way of different agreements to cell. Learned counsel for the petitioner had then feigned ignorance about the submissions made by the learned State counsel as well as counsel for the complainant and had sought a short adjournment to get necessary instructions.

5. Today, when the case came up for hearing, learned counsel appearing for the petitioner admitted that the civil suit which was pending between the parties had been decreed in favour of the complainant. However, he asserted that he was innocent and had been falsely implicated in the case in hand qua having sold the suit property to different persons by way of different agreements to sell. It was asserted that no such agreement to sell was on record from which it

could be remotely inferred that any such agreement to sell had ever been executed with any other person.

6. Per contra, learned counsel appearing for the State assisted by learned counsel for the complainant have reiterated the allegations which have been levelled against the petitioner. Learned State counsel submits that since the petitioner had cheated a number of persons by making them part with different sale considerations by executing different agreements to sell and sale deeds in the name of different persons, his custodial interrogation would be necessary.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. Prima facie there are serious and specific allegations levelled against the petitioner of having cheated a number of persons by executing different agreements to sell. In the circumstances, this Court is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner as his custodial interrogation would be necessary in the case.

9. Dismissed.

10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.05.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No