2023:PHHC:102523

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-38811-2023 (O&M)
Date of Decision: 08.08.2023

RAJESH KUMAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishwajeet, Advocate
for the petitioner.

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HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.103 dated 04.05.2023, registered under Sections 406, 420, 467, 468, 471 and Section 120-B IPC (added later on), at Police Station City Pehwa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that, in the present case, the main accused is Krishan Chand, who is known to the petitioner; that said Krishan Chand has obtained friendly loan to the tune of Rs.6,00,000/- from the petitioner; that the petitioner has nothing to do with Shimla Devi and that the petitioner has never produced said Shimla Devi, at any stage. He further submits that the petitioner is neither a signatory to the alleged agreement to sell, nor he is instrumental in opening a back account in the name of Shimla Devi and that the petitioner has no role to play in the alleged occurrence.

Notice of motion.

On the asking of this Court, Mr. Rupinder Singh Jhand, Additional AG Haryana, accepts notice on behalf of the respondent-State. He submits that the petitioner has actively participated in the occurrence, inasmuch as, he was the one who had produced Shimla Devi as impostor, while executing the agreement to sell in question and that the petitioner has also helped Shimla Devi in opening a fake bank account, in which the amount was deposited by the complainant. Still further, it is submitted that as per the call details, the petitioner was in touch with co-accused, namely, Sanjeev Kumar and Krishan Chand.

At this stage, Mr. Vivek Goyal, Advocate appears and files memo of appearance on behalf of the complainant. He submits that the accused persons, including the petitioner, have cheated the complainant was to the tune of Rs.43,00,000/-, which was received by them as earnest money qua the agreement to sell in question and that the said agreement to sell was got executed by producing Shimla Devi, as impostor, to be an owner of the land in question by the petitioner only. Still further, it is submitted that the petitioner is a habitual offender, inasmuch as, the Sub-Registrar has also lodged an FIR No.179 dated 01.07.2023 against Shimla Devi and the petitioner.

I have heard the learned counsel for the parties.

As per the complainant's versions, the petitioner along with co-accused have cheated him to the tune of Rs.43,00,000/- on the pretext of selling the land in question, by producing Shimla Devi as impostor, being the owner of the land. The bank account in which the amount was deposited by the complainant, was got opened by the petitioner in the name of Shimla Devi and thereafter, the amount was withdrawn in instalments. Prima facie, the allegations against the petitioner appear to be serious and grave. Thus, the custodial interrogation of the petitioner is must.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

08.08.2023 **(HARNARESH SINGH GILL)**
Aman Jain **JUDGE**

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