

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-43190 of 2022(O&M)  
Date of Decision: 21.04.2023

**Amarjit Singh @ Goga**

...Petitioner

**Versus**

**State of Punjab**

...Respondent

**CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:- Mr. Neeraj Jain, Advocate  
For the petitioner.**

**Mr. C.L. Pawar, Addl. AG Punjab.**

**Mr. Saurabh Kumar, Advocate  
For the complainant.**

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**KARAMJIT SINGH, J.**

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 258 dated 12.08.2022, registered under Sections 420 and 120-B IPC and Section 82 of Registration Act at Police Station Division No.7, District Ludhiana.

The allegations in nutshell are that the petitioner who was not owner of the land/ plot, sold the same to complainant for more than Rs.26,00,000/- and thus committed fraud and cheating.

On perusal of record, it was found that the sale-deed in question was executed for consideration of Rs.8,85,000/-. However, the counsel for the complainant apprised the Court that actually the entire sale transaction

was worth Rs.26,40,000/- but the sale deed was executed at the minimum Collector rate fixed by the Government.

Vide order dated 29.10.2022 this Court granted interim bail to the petitioner with a direction to join the investigation subject to deposit of Rs.10,00,000/- with the Illaqa Magistrate concerned.

Today, State counsel as well as counsel for the complainant informed the Court that the petitioner failed to deposit said amount of Rs.10,00,000/- in compliance of the previous order passed by this Court. This fact has not been disputed by counsel for the petitioner who further submits that even in future the petitioner will not be able to comply with the aforesaid direction of deposit of Rs.10,00,000/-.

The counsel for the petitioner submits that the sale-deed in question was executed by the petitioner regarding his property for consideration of Rs.8,85,000/- with the complainant and even the possession of the said property was handed over to the complainant by the petitioner at the time of execution of said sale deed dated 20.08.2019. The counsel for the petitioner further submits that the present FIR has been falsely registered against the petitioner and other accused persons after about 03 years of the execution and registration of the sale deed. The counsel for the petitioner further submits that the entire case is based on documents which are already seized by the police and as such no purpose will be served by seeking police custody of the petitioner. So, prayer is made that the petitioner be granted anticipatory bail.

The prayer is opposed by the State counsel as well as counsel for the complainant. The counsel for the complainant while referring to FIR

submits that on enquiry being conducted by the police before the registration of the FIR, it was found that the property/ land which was sold by the petitioner to the complainant through sale deed in question dated 20.08.2019, was not owned by the petitioner and it was the area which was kept for construction of streets. It is further contended that the petitioner also failed to comply with the direction given by this Court whereby he was to deposit Rs.10,00,000/- with the Court concerned.

I have considered the submissions made by counsel for the parties.

In the instant case, serious allegations are appearing on record against the petitioner that he sold land meant for construction of streets, to the complainant vide registered sale deed dated 20.08.2019 for consideration of Rs.8,85,000/-. The aforesaid amount has not been returned by the petitioner to the complainant.

In light of the above, this Court is of the view that the custodial interrogation of the petitioner is necessary for the proper and effective investigation of the case. So, present petition is hereby dismissed being devoid of merits and the order of interim bail dated 29.10.2022 is vacated.

21.04.2023

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(KARAMJIT SINGH )  
JUDGE

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