

CRM-M-53267-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CRM-M-53267-2023
Date of decision: 19.10.2023

Rajinder Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Sunny Singla, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.335 dated 01.09.2020, registered at Police Station Zirakpur, SAS Nagar, Mohali, under Section 406 IPC (Sections 420 and 120-B IPC added later on).

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. Even as per the story of the prosecution, the wife of the petitioner had advanced money to the complainant in the year 2011 on a condition that the complainant would sell his specified property. Pursuant to that, the complainant had executed the sale deed on 12.01.2011. Since it was a sale transaction, therefore, the complainant has had no grievance of any kind. Thereafter, the wife of the petitioner had even disposed of that property by way of sale to some other

CRM-M-53267-2023

person. Now, it appears, that there is appreciation in the value of the property, therefore, the complainant has raked up the issue in the year 2022. Hence, the FIR has been got registered after 09 years of transaction of the sale. There is no other case against the petitioner. The petitioner shall join the investigation as and when called by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion to respondent No.1-State only, at this stage.

4. On the asking of this Court, Mr. Sandeep Singh, Addl. A. G. Punjab, accepts notice on behalf of respondent No.1-State.

5. Counsel for the State, being instructed by ASI Gurdeep Singh, has submitted that the petitioner and his wife had duped the poor complainant by advancing a loan and putting a clever condition that the loan would be subject to the execution of the sale deed qua the property of the complainant. The complainant claims to have even returned the said loan amount. However, the petitioner and his wife refused to reverse the transaction of the sale. Therefore, it is direct cheating by the petitioner and his wife committed qua the complainant in a sophisticated manner. However, it is not disputed that right from the beginning, the complainant was well aware that he was executing the sale deed. It is also not disputed that there is no tangible proof of the complainant having returned the money to the wife of the petitioner. It is also not disputed that there is no other case against the petitioner.

6. In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety

CRM-M-53267-2023

bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.10.2023
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No