

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210+102

CRM M- 909 of 2024 (O&M)
Date of Decision: 06.03.2023

Sandeep Kumar

Versus

...Petitioner

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. C.M. Munjal, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab

Ms. Raina S. Thakur, Advocate
for respondent No.2/complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.0211 dated 16.12.2023 registered under Sections 420 and 506 of IPC at Police Station City Fazilka, District Fazilka.
2. The FIR in the present case has been got registered by Ragni Chugh by alleging that she was a divorcee and her minor son was studying at a Boarding School and was living alone. She was borne at Fazilka and studied in a Boarding School and College outside Fazilka and returned to Fazilka in the year 2008. Earlier, the complainant and her minor son started living with her father and sister, but her father died in the year 2012 and her sister died in the year 2021. Her brother evicted her from the house after the death of

her father and she resided in a rented house since 2013. One Sandeep Sharma was family Pandit for more than 20 years. He had gained the trust of their family and used to perform “Pooja” ceremonies etc., including the Pooja on the deaths of her father and sister. After the death of the father and sister, Sandeep Kumar, his wife and son used to visit the complainant more frequently at her rented accommodation and allured her to purchase a house at low price and showed some properties to the complainant at Fazilka, City Fazilka. On the assurance of Sandeep Kumar, the complainant paid an amount of Rs.30,00,000/-, to the accused in various installments for the purchase of the plot in the year 2021, but despite repeated asking by the complainant, no sale deed of the plot was got registered in favour of the complainant. Later on, Sandeep Kumar, accused started threatening to kill the complainant and her son. The inquiry was conducted and ultimately, the FIR was registered against Sandeep Kumar.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case without any evidence on record. In fact, the petitioner was only a *Pandit* (priest) and performed various rituals and it can never be believed that a sum of Rs. 30,00,000/- was handed over by the complainant to the petitioner for purchasing a residential plot. Still further, there was no proof of making the payment to the present petitioner and it is highly

unbelievable that an amount of Rs. 30,00,000/- was handed over by the complainant to the present petitioner. Still further, it was equally unbelievable that an educated lady like the complainant had withdrawn such huge cash amounts from the bank on different dates and handed over the same to the present petitioner. Still further, it had been wrongly alleged that instead of buying a house for the complainant, the petitioner purchased a house in the name of his wife as alleged by the complainant. In fact, on 18.08.2021, the petitioner had purchased a plot measuring 17 ½ x 48 in the name of his wife Monika and the amount of plot was paid through cheque to the vendor and the house was constructed in the same.

4. On the other hand, learned State counsel assisted by the learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner. Learned counsel submit that the role of the petitioner had been duly established during the course of investigation conducted, so far. The complainant paid Rs. 30,00,000/- in two installments and the first installment of Rs. 20,00,000/- in cash was received by the petitioner himself, whereas, the second installment of Rs. 10,00,000/- in cash was received by his son Anmol from the complainant. The complainant arranged Rs. 12,00,000/- after selling her land situated at village Karni Khera and paid remaining amount of Rs. 18,00,000/-

after getting it withdrawn from her bank accounts vide five different cheques, details of which is as under:-

Cheque No.	Name of the Bank	Date	Amount
900141	P.N.B. Fazilka	31.05.2021	Rs.6,00,000/-
761151	P.N.B. Fazilka	24.06.2021	Rs.5,00,000/-
900142	P.N.B. Fazilka	02.07.2021	Rs.2,00,000/-
700472	S.B.I, Gurgaon	09.07.2021	Rs.5,00,000/-

But despite receipt of above noted huge amount of Rs. 30,00,000/- from complainant, the petitioner did not get the sale deed of plot, registered in favour of the complainant and accused started threatening to kill the complainant and her son. Therefore, the petitioner cannot shirk his criminal liability.

5. Learned State counsel further submits that there are serious and specific allegations against the petitioner and he had misused his position and trust to deliberately usurp the huge amount of the complainant. As a consequence, the custodial interrogation of the petitioner was required for proper investigation of the case. Apart from that, learned counsel for the complainant has also referred to the transcript (Annexure R-3) between the petitioner and the complainant, where the petitioner had tacitly admitted the payment by the complainant to him.

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

7. It is not in dispute that the petitioner was living with her father prior to 2012 and in 2013, She was thrown out of the parental house by her brother. During the course of investigation, it has been found that the complainant arranged Rs. 12,00,000/- after selling her land situated at Village Karni Khera and the amount of Rs. 18,00,000/- was withdrawn from the bank account between 31.05.2021 to 09.07.2021, i.e., within a period of about one month and ten days. However, despite receipt of the above noted huge amount of Rs. 30,00,000/- from the complainant, the petitioner did not get the plot to the complainant and rather purchased a plot in the name of is wife Monika on 18.08.2021, admittedly. There are serious allegations against the present petitioner and keeping in view the gravity of the offence, the petitioner is not entitled to the relief of anticipatory bail. Apart from that, in the considered opinion of this Court, the custodial interrogation of the petitioner will be required and the petition deserves to be dismissed.

8. Dismissed.

06.03.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No