



CRA-S-322-2024

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247 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-322-2024

Date of decision: 24.09.2024

Naveen Kumar

....Appellant

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. Rose Gupta, Advocate with
Ms. Yashika Walia, Advocate
for the appellant.
(appeared through video conferencing).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J (Oral):

1. Appellant-Naveen Kumar has filed criminal appeal against impugned order dated 09.01.2024 passed by Learned Special Court whereby anticipatory bail application filed by the appellant in FIR No.820 dated 24.07.2023 under Sections 406, 420 and 120-B IPC and Section 3(2) (V) of SC/ST Act registered at Police Station Sadar, Hisar, has been dismissed illegally, arbitrarily and without proper appreciation of the facts.

2. Brief facts of the case are Shamsher Singh son of Prithvi Singh complainant gave his statement that he belongs to Scheduled Caste category. He filed various complaints for taking action on his complaint. As per his version, in February 2022 he purchased Plot No.2, Village Beer District Hisar, out of 8 Kanal 13 Marla of land regarding which mutation was also sanctioned in his favour and in favour of Krishan Devi in equal shares. Said plot was purchased from Devat Ram and others including the present petitioner for a sum of Rs.23,40,000/-. They had paid their share on the asking of property dealer namely Naveen Kumar, Neeraj alias Rinku and Tushar in



in which their were names of Krishan Devi wife of Sanjiv Kumar and Shamsheer Singh son of late Prithvi Singh. Said dealers assured to register the said agreement. He requested time and again to the dealers to show registered agreement deed but they were making one excuse or the other. In December 2022 he came to know that aforesaid dealers in connivance with the vendors by committing fraud tampered the said agreement dated 13.04.2022, in the name of Naveen Kumar son of Kulwant Rai and remaining share in the name of Sanjeev Kumar. On objection raised by him, Neeraj Kumar started threatening him. In this way, the aforesaid persons committed fraud with the complainant.

3. Learned counsel for the appellant raised the issue that he has been falsely implicated in this case. In fact he is ready to join and cooperate with the investigation. No offence is made out under the provisions of SC/ST Act. Present petitioner is a property dealer and he is falsely implicated. He is ready to join the investigation as and when required. Therefore, his anticipatory bail application may be allowed.

4. Present appeal is opposed by learned counsel representing State of Haryana, taking the stand that facts of the case were rightly considered by the Learned Additional Sessions Judge, Hisar and anticipatory bail filed by Naveen Kumar was rightly dismissed. In the detailed status report, it is pointed out that appellant/petitioner joined the investigation on 02.03.2024 but he did not cooperate with the investigation agency. Thereafter, he again joined investigation on 04.03.2024 and second agreement was recovered which was prepared on 13.04.2022 but original of first agreement has not been recovered. During said period, complainant had transferred Rs.11,70,000/- to the seller's account. However, in the second agreement prepared on 13.04.2022 the terms were changed regarding which the



this purpose custodial interrogation is also required. Therefore, anticipatory bail filed by the petitioner was rightly declined.

5. I have considered the arguments advanced before me and have gone through the record carefully. FIR is registered on the statement of complainant-Shamsher Singh and as per the allegations levelled by him, he had agreed to purchase a plot from the original vendors for a sum of Rs. 23,40,000/- and he had deposited Rs. 11,70,000/- to the extent of his share in the account of vendors at the instance of present petitioner, Neeraj and Tushar. Said agreement was to be registered. Later on, agreement was found to be tempered as it was prepared in the name of Naveen Kumar and Sanjeev Kumar instead of in his name. During investigation it came into light that amount was paid by the complainant through RTGS to the owners of the land. During investigation joined by the present petitioner, subsequent agreement was recovered whereas the first agreement could not be recovered. Therefore, learned counsel representing State opposed the anticipatory bail. The whole matter revolves around the aforesaid agreements as detailed in the FIR which are required to bring out the truth. Present petitioner is specifically named. Considering the nature of allegation and the huge amount involved in this transaction, in my opinion impugned order passed by Learned Additional Sessions Judge, Hisar, does not require any interference and the same is accordingly upheld and the appeal preferred by appellant/petitioner/accused is accordingly declined.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

24.09.2024
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