

THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-9953-2024

Date of decision: 26.02.2024

Rajesh Chopra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Abhishek Sanghi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0509 dated 24.12.2023 under Sections 406, 420, 120B of the IPC, registered at Police Station Sohana, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case. Learned counsel submits that no doubt the petitioner is a property dealer but his role was only restricted to introducing the seller with the complainant/buyer with respect to the property in question. It has been submitted that even the FIR in question reflects that not even a single penny was deposited in his account and earnest money pertaining to the deal in question had been deposited in the account of one Dhanwant Singh, the alleged seller/owner of the plot. Learned counsel submits that in the circumstances, the petitioner being innocent was clearly evident.

3. Notice of motion.

4. On asking of the Court, Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned counsel counsel, on instructions from Rakesh Kumar, has opposed the prayer and submissions made by the counsel opposite. He has submitted that in the agreement to sell which was on a stamp paper; the petitioner had also signed as the seller/on behalf of the seller and hence his involvement in the crime in question was writ large. It has also been brought to the notice of this Court that the petitioner, who is a property dealer, has criminal antecedents as previously also he has been involved in similar crimes qua which following cases were also registered against him:-

(i) FIR No.20 dated 02.03.2021 under Sections 420, 465, 467, 468, 471 of the IPC (Sections 467, 468 and 471 of the IPC deleted lateron) registered at Police Station SAS Nagar, Phase-8, Mohali.

(ii) FIR No.06 dated 06.02.2023 under Sections 13(1) read with Section 13(2) of the PC Act, 1988 registered at Vigilance Bureau Punjab at Mohali (Sections 420, 465, 467, 468, 471, 120-B of the IPC and Section 12 of the PC Act added lateron).

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

7. Prima face, the petitioner's involvement in the crime in question is discernible; admittedly the petitioner is involved in two other criminal cases of similar nature which would come in his way of being extended the concession of anticipatory bail. This Court, in the facts and circumstances, is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.02.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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