



239 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18872-2024

Date of Decision : 30.05.2024

Krishan Kumar Yadav

...Petitioner

Versus

State of Haryana & another

....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Alok Mittal, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana.

Mr. Kanwar Abhay Singh, Advocate for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.203 dated 07.12.2023 (Annexure P-3) registered for the offences under Sections 420 and 120-B IPC at Police Station Bajghera, Gurugram, District Gurugram, Haryana.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, which involves allegation of cheating the complainant by facilitating the sale of a plot later found to have already been sold to another party. While drawing the attention of the Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has further submitted that as per the complainant's own version, the only role attributed to him is that of a mediator and a witness to the agreement to sell. He has further argued that the petitioner was not even a beneficiary of the transaction, as is evident

from the fact that, apart from rupees Rs.5,00,000/-, no other amount was transferred into his account.

3. Learned counsel has still further submitted that the petitioner was acting on behalf of Jasjit Singh, the actual owner of the property in question. It has been contended that in fact the dispute is essentially of a civil nature between the owner and the complainant, and the present case has been lodged by the complainant just to avoid making payment of the agreed amount and thereafter, usurping the property. Learned counsel has asserted that in the aforementioned facts and circumstances, custodial interrogation of the petitioner would not be required as it would serve no useful purpose more so, when no recovery is required to be effected from him coupled with the fact that the only reason for lodging of the FIR in question by the complainant is to back track from the agreement to sell.

4. *Per Contra*, learned State counsel assisted by counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. They have argued that the petitioner in connivance with his co-accused Jasjit Singh, has committed a huge fraud upon the complainant, who complied with all the conditions of the agreement to sell but neither received the land nor was his money returned. Learned State counsel has also, on instructions, submitted that the petitioner was not only a witness to the General Power of Attorney but also a beneficiary of the transaction as is evident from the fact that an amount of Rs. 5,00,000/- was transferred into his bank account by the complainant. Additionally, a receipt was also recovered during investigation indicating that the petitioner had represented himself as the owner of the plot, undermining his claim of being merely a broker.

5. Learned state counsel on further instructions has informed the Court that the petitioner is involved in another criminal case registered against him in New Delhi. Learned State counsel has, thus, prayed for the dismissal of the instant petition as the matter is still under investigation and the custodial interrogation of the petitioner is necessary to uncover the entire modus operandi especially considering that the property is located in the NCR of Delhi (Gurugram), where such crimes are increasingly being reported due to soaring land prices.

6. I have heard learned counsel and pursued the relevant material on record.

7. The prosecution's case, in brief, is that the complainant, a retired Air Force personnel, moved a complaint to the police alleging that he had been cheated by the petitioner and one Jasjit Singh Bhatia. They had shown him a copy of the Jamabandi, which indicated that Jasjit Singh Bhatia was the owner of plot No.A-109, Phase-II, New Palam Vihar, measuring 267 sq.yards. The complainant agreed to purchase the plot at the rate of Rs. 27,000/- per sq.yards totalling Rs. 72,09,000/-. Both accused demanded Rs. 35,00,000/- to be paid via bank transfer and the remaining amount in cash.

8. On 03.02.2021, the complainant issued a cheque for Rs. 5,00,000/- in favour of Jasjit Singh. He subsequently transferred Rs.35,00,000/- through RTGS into Jasjit Singh's bank account and paid Rs. 32,09,000/- in cash. On 25.03.2021, Jasjit Singh executed a General Power of Attorney and a Will in favour of the complainant with the petitioner acting as a witness. Thereafter, Jasjit Singh handed over the physical possession of the plot to the complainant. However, when the complainant began construction upon the plot, two persons arrived and claimed their ownership over the plot by also showing their ownership documents. Upon

inquiry, the complainant discovered that the plot in question had already been sold to one Gajraj Singh in the year 2002 by Jasjit Singh and the petitioner. It was in the above background the complainant sought legal action against the accused including the petitioner. On a perusal of the above allegations, it is evident that there are specific and serious allegations against the accused including the petitioner, suggesting that the petitioner played a significant role in defrauding the complainant by inducing him to enter into an agreement for the sale of a plot that already stood sold in the year 2002. Furthermore, numerous transactions between the complainant and accused regarding the plot in question suggest a deeper involvement. In the light of the rampant rise in such crimes, particularly in the NCR of Delhi due to escalating land prices, this Court concurs with the prayer and submissions made by the learned State counsel that the custodial interrogation of the petitioner is imperative for a thorough investigation.

9. Based on the gravity of the allegations and the need to ensure a comprehensive investigation, the petitioner does not deserve the extraordinary concession of anticipatory bail.

10. The petition stands dismissed. 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.

May 30, 2024
ps

(MANJARI NEHRU KAUL)
JUDGE

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