

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-31503-2024 (O&M)
Date of Decision: 30.09.2024

AMIT

....Petitioner

VERSUS

STATE OF HARYANA

....Respondent

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Amit Choudhary, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana..

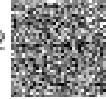
MANISHA BATRA, J. (Oral)

1. Through the instant petition, prayer is made for grant of anticipatory bail to the petitioner in case arising out of FIR No. 57 dated 18.01.2022, under Sections 420, 406, 467, 468, 471, 120-B registered at Police Station City Fatehabad, District Fatehabad.
2. Adumbrated facts as emanating from the records are that the complainant- Mandeep Kaur submitted a written complaint that was received at the Office of S.P. Fatehabad on 23.11.2021, alleging therein that her husband and herself were co-owners of some agricultural land. She wanted to sell her share in the said land and contacted the petitioner and co-accused - Sube Singh both of whom were property dealers, for that purpose. Both of them by assuring to get her land sold, introduced her husband and herself with co-accused Sunil Kumar. They had entered into an agreement to sell their land to the accused Sunil Kumar for a sum of Rs.54,00,000/- in the presence of the petitioner and co-accused Sube Singh. The accused Sunil Kumar also introduced him with co-accused Kuldeep and then all the accused while representing that Shanti Devi, maternal grandmother (nani) of accused Kuldeep was interested to sell her land,



induced the complainant and her husband to purchase the same. A writing was executed in this regard on 17.06.2021 at the house of accused - Sunil Kumar. The offer/earnest money of Rs.50,000/- which was to be given to the complainant for sale of land owned by her, was instead given to the accused Kuldeep for purchase of land owned by his maternal grand mother i.e. Smt. Shanti Devi. Due to outbreak of epidemic of Covid-2019, there was lockdown situation. The petitioner arranged a meeting between Smt. Shanti Devi and the complainant and her husband through video call and the female appearing through video call also told the complainant and her husband that she wanted to sell the land owned by her.

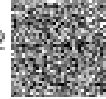
3. As per the further allegations the accused Sunil Kumar told the complainant that the amount of Rs.16,00,000/- which was to be given to her as earnest money for sale of land owned by her, had been given by him to the accused Kuldeep on behalf of Smt. Shanti Devi as earnest money for purchase of land of latter. Two written statements were executed and got signed by the complainant and her husband. However, thereafter, on getting suspicious, the complainant made inquiries and it was revealed that the land which was proposed to be sold to her by representing that it was owned by Smt. Shanti Devi was not actually owned by her and the said land had already been transferred by the owner Shanti Devi in favour of his other family members on 15.02.2021 and a mutation was also sanctioned in this regard. It was also revealed that someone else had impersonated Shanti Devi and on coming to know about this fact, the complainant called upon the accused petitioner to give back the amount of Rs.16,00,000/-. However, the petitioner and other accused started extending threats to her for taking possession of her land. The complainant also came to know that accused Kuldeep while signing the



agreement had mentioned the name of his father as Sahab Ram though his name was Satbir Singh. Likewise the present petitioner had written his name as Sahil son of Bansi Lal though his real name is Amit Kumar son of Sube Singh. While alleging that the petitioner in connivance with the co-accused had got prepared false documents to cause wrongful loss to her and had cheated her, she prayed for taking action against them.

4. After registration of FIR, the investigation has been initiated and is underway. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail before the Court of learned Addl. Sessions Judge, Fatehabad which was dismissed vide order dated 15.06.2024.

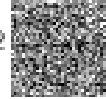
5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the allegations that he had arranged a video call with Shanti Devi with regard to sale of land of Shanti Devi in favour of the complainant and had wrongly written his name as Sahil while attesting the agreement to sell executed in favour of the complainant as a witness. It is submitted that the co-accused Sunil, Shanti Devi and Kuldeep are the main accused. The petitioner is neither a beneficiary nor signatory to the agreement. The allegations qua duping the complainant of her money, are against the co-accused Sunil Kumar, Kuldeep and Shanti Devi, who are the main culprits and not the petitioner. Petitioner and his father were brokers and the petitioner was not at all aware that Smt. Shanti Devi with whom a meeting was arranged by co-accused Kuldeep through video call, was not the original owner of the property. The petitioner did not append his signatures as Sahil over the agreement to sell. He was ready to give his specimen signatures. He had simply introduced the complainant with the accused Kuldeep and Shanti Devi and the accused Kuldeep being grandson of Shanti Devi, had accepted earnest money



from the complainant on her behalf. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. The co-accused Lila Ram and Bimla have been extended benefit of bail. On the ground of parity, he too deserves to be extended the same benefit. Therefore, it is urged that the petition deserves to be allowed.

6. Status report has been filed by respondent-State. Learned State counsel has argued that the allegations against the petitioner are serious in nature. He was a property dealer who by conniving with the co-accused and by inducing the complainant and her husband to purchase property claimed to be owned by Smt. Shanti Devi, had arranged a meeting through video call of the complainant and her husband with one female while introducing her as Shanti Devi, though she was co-accused Bimla Devi and that it was with his connivance that a sum of Rs.16 lakhs which was to be received by the complainant as earnest money on account of sale of her land, was usurped by the co-accused and himself by showing that the said amount was adjusted towards sale consideration amount qua sale of land by above named Shanti Devi to the complainant though said Shanti Devi had already transferred her land. It is further submitted that not even this, the complicity of the petitioner and *mala-fide* on his part, is reflected from the fact that while attesting the sale deed, he had mentioned his name as Sahil son of Bansi Lal though he is Amit Kumar son of Sube Singh.

7. Learned State counsel has further argued that all acts as discussed above were obviously done by the petitioner in connivance with the co-accused to seek some financial gain and to cause wrongful loss to the complainant. It is further argued that custodial interrogation of the petitioner is required for conducting thorough investigation in the matter and to elicit information about

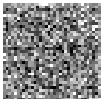


the manner in which the victim had been cheated and also to effect recovery of money usurped by him and co-accused and, therefore, it is urged that the petition does not deserve to be allowed.

8. Heard.

9. As per the allegations, the petitioner entered into criminal conspiracy with the co-accused and in pursuance thereof, had induced the complainant to enter into an agreement to sell the land owned by her and simultaneously an agreement to purchase some land owned by Smt. Shanti Devi. The accused Kuldeep and the petitioner had arranged an online meeting between the complainant and her husband with a female who was introduced by them as Smt Shanti Devi though in fact the original owner Shanti Devi had been impersonated by co-accused Kuldeep. The petitioner also concealed the fact that the actual owner Shanti Devi had already disposed of the property which was subject matter of the agreement and the petitioner in connivance with the co-accused thereby duped the complainant of a sum of Rs.16 lakhs, which was to be paid to her by way of earnest money and the same was claimed to have been given to Smt. Shanti Devi while knowing fully well that Smt. Shanti devi was not owner of the said property and had already transferred the same in favour of her family member.

10. The allegation against the petitioner are serious in nature because being a property dealer that he was supposed to know the property qua which he was making the complainant enter into an agreement, was not owned by Smt. Shanti Devi and that someone else impersonated her. Being appointed as agent of complainant, he was expected to act in her favour. Keeping in view the interest of complainant but did not do so. It is well settled proposition of law that gravity of the offences and severity of the punishment are to be taken into



consideration while extending benefit of pre arrest bail to an accused. In the opinion of this Court, the custodial interrogation of the petitioner is certainly required for conducting thorough and proper investigation in the matter and for eliciting the truth as to the manner by which the subject offences were committed. It is also well settled proposition of law that the custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

11. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

30.09.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No