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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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Date of Decision:- 13.11.2024

Ishwar Chander

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. ADS Sukhija, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Saurabh Sharma, Advocate and
Mr. Aneesh Chopra, Advocate
for the complainant.

AMARJOT BHATTI, J.

Petitioner Ishwar Chander has filed anticipatory bail petition under Section 438 Cr.P.C. in case FIR No. 461 dated 05.12.2023, registered under Sections 406, 420, 506, 120-B of IPC, registered at Police Station Sonipat Sadar, District Sonipat (Annexure P-1).

2. Facts of the case are complainants/applicants Chandrapati wife of Ramu and Sunita daughter of Ramu filed written complaint against Ishwar Chandra and Ved Parkash with allegations that aforesaid Ramu expired on 03.06.2005 and his property was inherited by legal heirs and mutation was also sanctioned. Said land was acquired and money was

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received by Chandrapati and she wanted to invest the same. She asked her daughter Sunita to look for property for her. Sunita – applicant No. 2 met Ishwar Chandra, who was dealing with sale and purchase of plots. He showed two plots, each 139 Sq. Yards which was suitable. Two agreements were executed. Stamps papers were purchased and for each plot, cash of ₹2,50,000/- i.e. in total ₹5,00,000/- were given to Ishwar Chandra. In the said agreement, date was fixed for execution of sale deed till 28.11.2013. In June 2013, applicants received their money and requested accused No. 1 to execute sale deed. He demanded ₹18 lakhs to be given to accused No. 2. They withdrew ₹18 lakhs from bank and gave it to accused persons with assurance that sale deed will be registered in their name. After receiving huge amount, sale deed was not executed nor their money was returned. Ultimately, complaint was filed and after holding inquiry, present FIR has been registered.

3. Learned counsel for petitioner argued that there is long silence on the part of complainants to get sale deeds executed. No civil litigation is pending. Present FIR has been got registered to put pressure on them. He is ready to join the investigation. Therefore, his anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State as well as learned counsel for complainant. Detailed status report has been filed, confirming facts detailed in FIR. It is argued that both accused including present petitioner fraudulently extorted ₹23,35,200/- from complainants and did not execute sale deed. Copies of agreements are



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annexed with status report. On 27.08.2022, a Panchayat was convened in which petitioner agreed to return ₹23,35,200/- alongwith interest within 6 months but failed to honour said settlement. Considering specific allegations and huge amount embezzled by present petitioner, he is not entitled to concession of anticipatory bail.

5. I have considered the arguments and have gone through the record. In the case in hand, matter was referred to Mediation and Conciliation Centre to effect compromise but it could not materialize. Entire case of complainants is based on written agreements in pursuance of which petitioner alongwith co-accused received huge amount as sale price for two plots but later on neither sale deeds were executed in favour of complainant party nor their money was returned. Considering the specific allegations and huge amount involved in this case, I do not find merits in anticipatory bail petition filed by petitioner and same is accordingly, dismissed.

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

13.11.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No