



CRM-M-34135-2024

-1-

217

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34135-2024
Date of Decision:- 01.10.2024

Deepak Sharma ...Petitioner
Vs.
State of Punjab ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Arvinder Singh, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Ashish Gupta, Advocate and
Mr. Varun Gupta, Advocate
for the complainant.

AMARJOT BHATTI, J.

1. Petitioner Deepak Sharma has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No. 0089 dated 09.05.2024 (Annexure P-2) registered under Sections 406 and 120-B of IPC at Police Station City Moga, District Moga.
2. As per the facts of case, Jagdeep Singh complainant filed a written complaint regarding sale of fake and forged air tickets for ₹8,48,000/- to complainant and subsequently in the wake of returning money entered into an agreement to sell dated 14.09.2023 regarding their house with complainant. Instead of executing registry in favour of complainant, accused sold property to someone else and misappropriated the amount of complainant by cheating him. It is alleged that in June, 2023,

**CRM-M-34135-2024****-2-**

complainant purchased six air tickets for his relatives for a sum of ₹8,48,000/-. Some of the tickets were return tickets also. Complainant paid total amount of ₹8,48,000/- to accused Nos. 1 and 2, out of which ₹2,68,000/- were paid in cash and rest through RTGS and Google Pay. In the month of August, before leaving, his relatives were informed that said air tickets were fake. Complainant had a talk with accused Nos. 1 and 2 who initially did not admit and later on admitted their fault and in order to save their business assured to return entire amount. Accused No. 2 on the asking of accused No. 1 issued cheque No. 075712 dated 23.08.2023 for a sum of ₹2,20,000/-, which was ultimately dishonoured. Thereafter, he agreed to sell house measuring 3 marlas 8 sarsahis and executed agreement dated 14.09.2023 for a consideration of ₹18 lakhs and agreed to adjust aforesaid amount as earnest money. Even that agreement to sell was not honoured and property was sold to somebody else before the date fixed in agreement. Ultimately, matter was reported to police.

3. Learned counsel for petitioner argued that all the allegations levelled against petitioner are false. Complainant has failed to disclose the names of relatives for whom said air tickets were purchased. There is delay of three months in lodging FIR. Claim of complainant based on agreement to sell is of civil nature. Complainant can always file suit for specific performance. Present petitioner is ready to join the investigation. Therefore, his anticipatory bail petition may be allowed.

4. Learned counsel representing State filed status report, confirming the allegations detailed in FIR. It is pointed out that investigation was

carried out by DSP (D), Moga and after obtaining legal opinion, present FIR was registered. Matter is under investigation and disputed air tickets are to be verified in due course. Present petitioner had joined the investigation on 13.06.2024 in compliance to orders of learned Additional Sessions Judge, Moga. However, allegations are serious and investigation is still going on.

5. I have considered the arguments and have gone through the record carefully. Complainant has levelled serious allegations against present petitioner for issuance of fake air tickets worth ₹8,48,000/-. Thereafter, accused allegedly issued cheque for a sum of ₹2,20,000/- which was dishonoured. Thereafter, one agreement to sell dated 14.09.2023 was also executed to adjust the amount towards earnest money. However, said property was also sold to someone else. Anticipatory bail application filed by petitioner before learned Additional Sessions Judge, Moga was declined vide order dated 03.07.2024 (Annexure P-3). There are specific serious allegations and huge amount is involved. For proper investigation of case, petitioner is required to join the investigation. Therefore, finding no merits in anticipatory bail petition filed by petitioner – Deepak Sharma, same is accordingly, dismissed.

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

01.10.2024

(AMARJOT BHATTI)

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JUDGE

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