

2024:PHHC:140224



104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53425-2024
DECIDED ON: 25.10.2024

RAJINDER KUMAR SACHDEVAPETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Sunita Nambiar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief Sought

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., seeking anticipatory bail to the petitioner in FIR No.110 dated 13.07.2024, registered under Section 420 of IPC at Police Station Haibowal, District Ludhiana (Annexure P-1).

2. Facts:-

Facts as narrated in the FIR reads as under:-

Original application UID No. 1446218 Dated 16.10.2018 is moved by Geeta Rani Wo Sh. Rajan Kumar R/o H.No. B-34, New Atam Naaar, Jassian Road, Ludhiana and GD No. 1925/34 Dated 23.11.20 by Rajinder Sachdeva S/o Manohar Lal, New Maya Nagar, Haibowal Kalan, Ludhiana (M:78376682941) has been moved against Rajinder Kumar Sachdeva S/o Manohar Lal R/o H. No. B-34, 8848//2, New Maya Nagar Near Siddhi Vinayak Temple, Haibowal Ludhiana. The facts of the case is that To the Police Commissioner, Ludhiana Sir, it is requested that I am Geeta Rani W.o MrRajan Kumar R/o-B-34-6626/4, Street No. 2, New Atam Nagar, Jassian Road, Haibowal Kalan

Ludhiana. That in the year 2012 our family came in contact with Vicky Grover S/o Sohan Lal, R/o H.No. 9321, Street No. 4, Joshi Nagar, Haibowal Kalan, Ludhiana, who has informed that he deals in electronics business. We have a close connectons with his family, who informed that he has a friend named Rajinder Kumar Sachdeva S/o Manohar Lal Sachdeva. R/o H.No. B-34- 6626/4, Street No 2, New Sidhi Vinayak Temple, Haibowal Kalan, who requires money for his homely affairs and he will pay the interest as well. shall be responsible for this. If he does not returns the money then I shall be responsible to regster use on aking of Vicky Grover have Sien Re B LakisEgh Laths) in the year of December 2014. When no money has been returned for many months then I contacted Vicky Grover then at last Rajinder Kumar has recorded his agreement to sell through statement his House No B-34/48/2, New Maya Nagar, Near Sidhi Vinayak Temple, Haibowal Kalan, Ludhiana and has entered into an agreement for Rs. 26,00,000(Twenty Six Lakhs) has recorded his statement. On 17.12.2015 agreement to sell was entered into by receiving 11,50,000(Eleven thousand fifty thousand in words). The date fixed for registration was on 15.06.2016. after Rs 3,50,000(Rs Three Lakh Fifty thousand) was paid on 04.06.2016 to the seller party and the date for registration has been extended to 13.06.2016. we went to the office of Sub Registrar for registration of the property but Rajinder Kumar did not appear for registration. He did not appear for registration even repeated saying the same. But now we came to know that Rajinder Kumar had already entered into an agreement with Anuj Agarwal, which was not disclosed by Rajinder Kumar to Geeta Rani at the time of agreement. Now that it is evident that house is already sold and is knowingly again entered into selling with me too has committed cheating on me too and has taken my amount too. Legal action shall be taken against him. I shall be thankful to you. Geeta Rani W/o Shri Rajan Kumar Residence House No. B- 34.66264 ST No2 New Atam Nagar Jassian Ludhiana. So the above application nas bring into existence in the office of Additional Deputy Commissioner, Police Zone-3 Ludhiana.

3. Contentions**On behalf of the petitioner:**

Learned counsel for the petitioner contends that perusal of the FIR would suggest allegations of civil nature related to agreement to sell plot/house measuring 138.4 sq. yards for a consideration of Rs.26 lacs and on that account the complainant alleged to have advanced to Rs.7 lac to the petitioner with the help of Vicky Grover. It is also contended on behalf of the petitioner that he is not a beneficiary to the said transaction directly or indirectly and otherwise also there is a delay of 10 years in lodging the FIR and the said delay is unexplained.

On behalf of respondent-State

Notice of motion.

On the asking of Court, Mr. Jaspal Singh Guru, AAG Punjab, accepts notice on behalf of respondent-State, who submits that the custodial interrogation of the petitioner is necessary to recover the documents and the amount received by the petitioner, if any which would not be possible without taking the petitioner into the custody.

5. Analysis

Be that as it may, this Court having regard to the facts that FIR came to be registered after inordinate delay of 10 years and no direct role has been assigned to the petitioner, wherein the State counsel has only verbally argued that the petitioner has duped the complainant of lakhs of Rs., on the pretext of selling the house, which was already agreed to sell on 12.08.2013 to Anuj Aggarwal, no documentary proof has been led by the learned State counsel. Moreover this Court is of the considered view that if any other information is required to be collected by the State, the petitioner is ready and willing to join the investigation and, therefore, it can be collected if the petitioner once joins the investigation.

6. Decision

In view of the above, the petitioner is directed to join the investigation within a period of 10 days and in case of doing so, he shall be released on anticipatory bail subject to furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer.

The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

However, it is made clear that in case the petitioner do not comply with the aforesaid direction of joining the investigation within 10 days, the order passed by this Court today shall automatically, stand cancelled.

In the afore-said terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

25.10.2024

Meenu

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