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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11579-2025 (O&M)
Date of decision: 01.03.2025

Inder Mohan Verma

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Parminder Kaur, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

Mr. Ashok Saini, Advocate
for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.349
dated 13.12.2024 under Sections 406 & 420 of the Indian Penal Code, 1860,
registered at Police Station Sohana, District SAS Nagar (Mohali).
2. Brief facts of the case, as alleged in the FIR (*supra*), are that the

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complainant was partner in a real estate firm namely JP Group and co-accused Kashmir Kamboj and Ajit Pal introduced him to the petitioner, as agreement holder of the land measuring 5.83 acres situated in Judges Colony, Village Aujla, Tehsil Kharar. The petitioner entered into an agreement to sell the aforementioned land for an amount of Rs.56,50,00,000/- with the complainant and on 16.01.2024, he received a cheque bearing No.000010 dated 16.01.2024 amounting to Rs.20,00,000/- of AU Small Bank, Branch Sector 82, Mohali and without informing to the complainant, he got encashed the aforementioned cheque. The petitioner also gave security cheque bearing No.625499 drawn at Punjab National Bank. Thereafter, the petitioner did not perform his part of the agreement to sell. As such, the complainant was forced to present the cheque given by the petitioner for encashment with his banker, however, the same was returned dishonoured with the remarks "Funds Insufficient". It is further alleged that the aforementioned land does not belong to the petitioner and he duped the complainant of Rs.20.00 lakhs. Hence, the FIR (*supra*) was registered.

3. Learned counsel for the petitioner, *inter alia*, contends that it is purely a civil dispute. Both the petitioner and the complainant are property dealers and rendition of account has been exaggerated into a criminal offence and with regard to dishonouring of cheque given to the complainant, he has already instituted a complaint under Section 138 of Negotiable Instruments

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Act, 1881 (for short 'NI Act').

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, opposes the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is not owner of the land in question and in spite of that, he executed an agreement to sell, which is discernible from Annexure P-5. The petitioner received the money knowing fully well that he is not owner of the property and he would not be in a position to perform his part as per the agreement to sell. The petitioner is habitual offender, as he is involved in three more cases of similar nature. The petitioner has been declared proclaimed person vide order dated 03.07.2015 passed by learned Judicial Magistrate 1st Class, Patiala and till date, he has not submitted himself to the process of law.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is involved in three more cases of similar nature, as such, he is habitual offender and he has already been declared proclaimed person by learned Judicial Magistrate 1st Class, Patiala on 03.07.2015 in a complaint bearing No.COMA/1674/2014 filed under Section 138 of NI Act.

6. Keeping in view the facts and circumstances of the case and also antecedents of the petitioner, without commenting further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no

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ground to grant him the concession of anticipatory bail.

7. Accordingly, present petition is dismissed.

01.03.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No