



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-32730-2024 (O&M)
Date of Decision:- 19.05.2025

RAJAN BATRA AND ANOTHER

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Jagdeep Singh Rana, Advocate for the petitioners.

Mr. Surender Singh, A.A.G. Haryana.

Mr. I.S. Saggu, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 CrPC,
petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
174	10.06.2024	420 and 120-B IPC	Sector 31, Faridabad

2. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent and have been falsely implicated in the case. He contends that the present case is purely a civil dispute which has been given the colour of criminal litigation and the petitioners have not committed any offence as alleged in the FIR. He further contends that prior to the execution of the sale deed, the parties entered into one agreement to sell, wherein it was specifically recorded that the property was mortgaged with South Indian Bank Limited, Faridabad (Annexure P-2), thus, the



complainant was fully aware about the said mortgage. He submits that the petitioners are ready to join investigation and has prayed for grant of anticipatory bail to the petitioners.

3. *Per contra*, learned State counsel while referring to the status report submitted by State has assailed the arguments advanced by learned counsel for the petitioners and stated that the petitioners are habitual offenders as 06 more criminal cases of similar nature have been registered against them. He submits that the alleged agreement to sell is neither registered with the concerned authority nor attested/notarized. He submits that the petitioner have defrauded the complainant of ₹2.50 crores, thus, the custodial interrogation of the petitioners is required to recover the defrauded amount and also the unearth the *modus operandi* adopted by the petitioners. Hence, prayed for dismissal of the bail petition.

4. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of the complainant to the effect that the accused persons including the petitioners herein, had cheated the complainant by selling a property, which was already mortgaged with the Bank and defrauded the complainant of ₹2.50 crores. The complainant purchased a plot measuring 708 Sq. Yds along with temporary shed and entire amount of ₹2.50 crores was sent in the account of the company of accused namely Bee. K. Bee Prints Pvt. Ltd on 08.09.2022. Before the execution and registration of sale deed, the complainant asked the accused to give copies of documents of property, but the accused persons kept avoiding the same on one pretext or the other and the original papers of



the property were not given to the complainant despite repeated demands. Thereafter, the complainant raised construction upon the said plot and spent approximately ₹2 crores, however, the officials of the South Indian Bank, Faridabad came to the spot and informed the complainant that the said plot was already mortgaged by the accused persons with the said bank.

5. A perusal of the record would indicate that at the time of execution of the sale deed, the petitioners have concealed the fact regarding the said plot being already mortgaged with the South Indian Bank, Faridabad. The sale deed dated 30.09.2022 clearly states that the property in question is free from mortgage and all sorts of encumbrances. It has been specifically mentioned in the status report filed by the State that alleged agreement to sell dated 25.05.2022 is neither registered with the concerned authority/notarized. Therefore, in these circumstances, it appears that the petitioners have intentionally cheated the complainant and defrauded him of his hard earned money, for which their custodial interrogation is required.

6. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioners for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.05.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No