

In the High Court of Punjab and Haryana at Chandigarh

Crl. Misc. No. M-27404 of 2009 (O&M)

Date of decision: September 29, 2009

Suresh Kumar Bhatia and another

.. Petitioners

Vs.

State of Haryana

.. Respondent

Coram: Hon'ble Mr. Justice A.N. Jindal

Present: Mr. Shilak Ram Hooda, Advocate for petitioners.

A.N. Jindal, J

The petitioners being the directors of M/s Akashdeep Housing Dev. Finance Pvt. Ltd. registered office 111, Subhash Nagar, Rohtak, claiming themselves to be the owners of the land measuring 20 kanal 6 marlas and representing that the same was free from all incumbrances, agreed to sell the same vide agreement dated 27.11.2008, to the complainant and received a sum of Rs.1,11,50,000/-, vide different instalments which are reproduced as under :-

Rs.24 lacs	24.12.2008
Rs.23.50 lacs	17.12.2008
Rs.25.50 lacs	18.12.2008
Rs.22 lacs	20.12.2008
Rs.16.50 lacs	26.12.2008

However, later on, it transpired that the land was already acquired by the State Government and the petitioners were not competent to alienate the same. They fraudulently induced the complainant to part with the huge amount. The amount is still to be recovered from the petitioners. They appear to be habitual offenders as two criminal cases were registered against them vide FIR No.98 dated 3.4.2007 under Sections 406, 468, 420, 467, 471, 120-B of IPC and FIR No.294 dated 6.9.2009 under Sections 323, 452, 506, 379, 427 IPC.

Thus, while looking into the gravity, nature and other attending circumstances of the case and keeping in view that the petitioners fraudulently mis-represented, grabbed huge amount from the complainant and their custodial interrogation is required. They do not deserve concession of anticipatory bail.

Dismissed.

September 29, 2009
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(A.N. Jindal)
Judge