

State of Punjab Versus Varun Kumar alias Monty

Date of order: 18.10.2022

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CNR no. PBLD0102-1860-2022

CIS no. BA 13226-2022

State of Punjab Versus Varun Kumar alias Monty

Present: Sh: Gursewak Singh Advocate for the applicant-accused.
Ms. Monika Gupta, Addl.PP for the Sate.
Sh. Ajay Garg, Advocate for the complainant.

ORDER:

1. Heard on the anticipatory bail application filed by applicant-accused Varun Kumar alias Monti son of Sh. Kapil Dev in FIR no.217 dated 27.09.2022, under Section 420, 465, 467, 468, 471, 120-B IPC, Police Station Division no.8, Ludhiana.

2. Briefly the relevant facts are that one Ashwani Kumar made a police complaint on 12.04.2021 that he agreed to purchase one 200 square yard plot at Amantran in colony at the instance of applicant-accused Varun Kumar and Vishal alias Vicky both working as property dealer. At the time of execution of deal, both Varun Kumar applicant-accused and Vishal came to his house and represented to him that plot no.98 of Amantran colony is intended to be sold by Neha Gupta. Family of Neha Gupta was known to complainant since earlier also a deal was struck between them. Both these property dealers told them that party is known to them and there is no need for complainant to go personally and agreement shall be executed. Accordingly Rs.8 lakh was received from the complainant and in return after some time an agreement in writing was given to the complainant. As per the agreement sale deed was fixed to be executed on 18.11.2021. After two months complainant directly telephoned the concerned person requesting them that sale deed of the plot may be executed before date. However family of Neha Gupta told

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that they never sold any property. Immediately complainant went to the house of Neha Gupta and confronted them about the deal. It was disclosed that they never sold any property and Varun Kumar etc had forged the documents regarding agreement to sell. Complainant confronted both the property dealers including applicant-accused and demanded back the money but they refused to make any payment. On the basis of this complaint dated 12.04.2021 ACP police inquired the matter and heard the version of both the parties. At the first instance applicant-accused and his accomplice admitted that they received Rs.8 lakhs. They also agreed to return back this Rs.8 lakhs uptill 25.04.2022. Amount however was not paid. On 14.04.2022 again an agreement was made that they were unable to arrange the money and they shall return back the money on 03.05.2022. After full inquiry police recommended registration of FIR against applicant-accused Varun Kumar under Section 420, 465, 467, 468, 471, 120-B IPC regarding commission of cheating as no deal was actually struck by the original owner. Further agreement to sell was seems to be created by applicant-accused in connivance with others and accordingly serious actions under Section 467 and 468 etc IPC were also involved.

3. Applicant-accused in its bail application claimed that family of Neha Gupta actually agreed to sell the property but later on they resiled from commitment. Proper signatures were made and agreement was executed. Complainant wants to extort the money from applicant-accused necessarily and a prayer is made for grant of bail.

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4. Learned Addl.PP however opposed the bail application claiming that serious allegations are involved and as such applicant-accused is not entitled for grant of bail. A prayer is made for rejection of bail application.

5. After considering the rival submission this court is of the opinion that applicant-accused is not entitled for discretionary relief of anticipatory bail. At the first instance not only complainant even the alleged executent Neha Gupta and her family has also stated to the police that no such agreement was ever executed. It shall not be out of place that during the preliminary inquiry it was admitted by the applicant-accused that he shall pay back the money. Subsequently he sought the extension but again money was not paid. If at the first place no money was taken by the applicant-accused, then he could not have promised in the police inquiry that he shall pay the money back. Secondly he might not have taken the extension also. There is sufficient prima facie material on record which suggest that matter require deeper investigation. Receiving such a huge amount on the pretext of a deal when original owner never agreed to sell the property, is a serious economic crime which cannot be taken lightly. Anticipatory bail needs to be granted only in rare circumstances. This case does not fall in any such category. Granting of bail in a hurry in such like crimes shall give a very wrong message to society. Such economic crimes needs to be dealt with sternly. Accordingly this court hereby refuses to exercise discretion of bail in favour of applicant-

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accused. The bail application is found to without merit and the same is hereby dismissed.

Announced: 18.10.2022

Om Parkash Stenographer Grade-II

**Shatin Goyal,
Additional Sessions Judge,
Ludhiana (UID no. PB00157)**

CNR no. PBLD0102-1860-2022

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Present: Sh: Gursewak Singh Advocate for the applicant-accused.
Ms. Monika Gupta, Addl.PP for the Sate.
Sh. Ajay Garg, Advocate for the complainant.

Arguments heard. For order to come up on 18.10.2022.

Date of order: 17.10.2022

Om Parkash Stenographer Grade-II

Shatin Goyal,
Additional Sessions Judge,
Ludhiana (UID no. PB00157)

CNR no. PBLD0102-1860-2022

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Present: Sh: Gursewak Singh Advocate for the applicant-accused.
Ms. Monika Gupta, Addl.PP for the Sate.
Sh. Ajay Garg, Advocate for the complainant.

Vide my separate detailed order of even date, the instant bail application is dismissed in terms of that order. File be consigned to the record room.

Announced: 18.10.2022

Om Parkash Stenographer Grade-II

Shatin Goyal,
Additional Sessions Judge,
Ludhiana (UID no. PB00157)