

**In the court of Sh. Jatinder Pal Singh Wahniwal,
Additional Sessions Judge, Fazilka.**(UID No.PB-0572)

Bail application No.19 of 02.01.2018
CNR No.PBFZCIO-000020-2018
Filing No.BA/20/2018.
Date of Order :- **23.01.2018**

1. Nakul aged 48 years son of Sh.Mohan Lal,
2. Rajeev Kumar aged 38 years son of Sh.Mohan Lal,
3. Raman Kumar aged 34 years son of Sh.Mohan Lal, both residents of village Heeran Wali, Tehsil and District Fazilka.

. . . Applicants/accused.

Versus

State of Punjab.

. . . Respondent.

FIR No.127 dated 26.12.2017.
under Section 420, 406, 120-B IPC
P.S. City Fazilka.

**Application under Section 438(i) of Cr.PC
for grant of Anticipatory bail.**

Present :- Sh.Sanjeev Makkar Advocate for applicants-accused.
Sh.Wazir Kamboj, Addl.P.P.for the State.

ORDER

This order shall dispose of an application under Section 438(i)
Cr.P.C filed by applicants/accused Nakul, Rajeev Kumar and Raman Kumar

Jatinder Pal Singh Wahniwal, Additional Sessions Judge, Fazilka. **23.01.2018**
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for grant of anticipatory bail.

2. It is alleged that complainant got registered the present case under Section 406,420,120-B IPC on false grounds. The applicants have been dragged in the present case unnecessarily. No offence is made out. The same is registered against unnamed person. The applicants have been involved falsely in this case. The applicants are owners of land measuring 29 kanals 15 marlas of land as detailed in para No.3 of the application situated at village Hiran Wali, Tehsil Fazilka. They agreed to sell this land to complainant vide agreement dated 11.5.2011. It was typed on behalf of applicants and their brother Anil Kumar, complainant. He failed to join the applicants at the time of execution of agreement in question. The complainant negotiated independently with Anil Kumar non applicant/accused. The accused had no knowledge about the same. The applicants had executed the agreement qua their share. On 31.10.2011 which was date fixed, the complainant requested for sale deed on the basis of agreement dated 11.5.2011 in favour of Veena Rani wife of Vijay Kumar. Ultimately, sale deed regarding this land was executed by applicants in favour of Veena Rani. The total sale consideration comes to Rs.45,07,125/-. Rs.40,50,000/- stood paid by the complainant. The balance amount agreed to be paid by the

complainant later on. Vikram Jhinja stood as guarantor. The applicants/accused executed sale deed in favour of wife of complainant. This land was not barren. There was no question of fixing price less than price settled in the agreement. Stamp paper was to be purchased in the name of accused. The accused were not aware of the amount of stamp paper. The complainant malafidely got executed the sale deed for lessor value to save the stamp paper. The applicants got executed the sale deed to put an end to all claims of agreement dated 11.5.2011. The affidavit was executed. The complainant has left no right under the agreement. The balance amount is still due. The applicants apprehend arrest. They are ready to comply with the conditions imposed by the court. There is no chance of their absconding. It is prayed that bail application be accepted.

3. Notice of the bail application was given to the respondent. Sh.Wazir Kamboj, Addl.P.P. appeared on behalf of respondent and opposed the bail application. Police record was also seen and perused.

4. I have heard learned counsel for the applicants/accused and learned Addl.P.P. for the State and have gone through the record.

5. The present case was registered under Sections 406/420/120-B IPC against five accused namely Nakul, Rajeev Kumar, Raman Kumar, Anil

Kumar and Sehdev at the instance of Vijay Kumar son of Milakh Raj. It is alleged that accused had entered into agreement to sell regarding 5-1/4 acres of land. Later on, they executed agreement regarding 29 kanals 10 marlas of land vide agreement dated 11.11.2011 and delivered possession. Complainant had also filed cases against the accused. The accused have threatened the complainant and his family members to kill them. The SSP marked this application to the Incharge E.O.Wing, Fazilka. He reported that applicants had received Rs.53,80,000/- from the complainant but they executed the sale deed regarding 29 kanals 15 marlas of land in favour of wife of complainant for Rs.45,07,125/-. The accused had cheated Rs.8,72,875/- more from the complainant and cheated him and did not execute the sale deed. Thereafter investigations remained with D.S.P. Sub Division, Fazilka. However, SSP Fazilka ordered for registration of the present case.

6. It is clear from the above facts that serious accusations are made against the applicants/accused. Investigations had to be made in this case. The custodial interrogation of the accused is required for making the investigations in depth and for recovery of the amount regarding which cheating has been made. Under these circumstances, no ground is made out

for grant of anticipatory bail to the applicants/accused. Therefore, this application is dismissed. File be consigned to record room.

-Sd/-

Pronounced in open court.

Dated :-23.01.2018

Sanjeev Narang, Stenographer Gr.II

(Directly dictated)

Jatinder Pal Singh Wahniwal,
Additional Sessions Judge,
Fazilka.(UID No.PB-0572)

Bail application No.19 of 02.01.2018

CNR No.PBFZCIO-000020-2018

Present :- Sh.Sanjeev Makkar Advocate for applicants-accused.
Sh.Wazir Kamboj, Addl.P.P.for the State.

Arguments on bail application heard. Vide separate detailed order of even date, this application is dismissed. File be consigned to record room.

Pronounced in open court.

Dated :-**23.01.2018**

Sanjeev Narang, Stenographer Gr.II

(Directly dictated)

Jatinder Pal Singh Wahniwal,
Additional Sessions Judge,
Fazilka.(UID No.PB-0572)