

1 BA/1475/2021: Rajeev Bhardwaj vs. State
BA/1476/2021: Bimla Bhardwaj & another vs. State

**IN THE COURT OF SH. RAJINDER AGGARWAL,
SESSIONS JUDGE, PATIALA.**

(1)

BA/1475/2021
CNR No. PBPT01-004832-2021
Bail Application No. 189 of 5.5.2021
Date of order: 12.5.2021

Rajeev Bhardwaj, aged about 42 years, son of Sh. Gian Chand Bhardwaj,
resident of House No. 758, Harinder Nagar, Patiala.

.....Applicant

Versus

(1) The State

.....Respondent

FIR No. 96 dated 1.5.2021
Offence u/s 406/420/120-B IPC
PS City Rajpura.

Application under Section 438 Cr.PC for pre-arrest bail.

(2)

BA/1476/2021
CNR No. PBPT01-004833-2021
Bail Application No. 190 of 5.5.2021
Date of order: 12.5.2021

1. Bimla Bhardwaj, aged about 65 years, wife of Sh. Gian Chand Bhardwaj;
2. Gian Chand Bhardwaj, aged about 70 years, son of Sh. Mangal Chand, both residents of House No. 758, Harinder Nagar, Patiala.

.....Applicants

Versus

The State

.....Respondent

FIR No. 96 dated 1.5.2021
Offence u/s 406/420/120-B IPC
PS City Rajpura.

Application under Section 438 Cr.PC for pre-arrest bail.

(Rajinder Aggarwal)
Sessions Judge, Patiala-12.5.2021

Present: Sh. Ranjan Gupta, Advocate for applicants-accused
Sh. Charanjit Prashar, Addl. Public Prosecutor for the State
alongwith SI Gurnam Singh.
(On account of second wave of Covid-19, the matter has been
heard through Whatsapp video call)

ORDER

Both the bail applications have been taken up together for hearing as the same have arisen out of FIR no.96 dated 1.5.2021, under Sections 406, 420, 120-B IPC, Police Station City Rajpura.

2. Heard. FIR in the instant case has been registered on the basis of complaint made by one Chander Parkash son of Bhagwan Dass, resident of Delhi, who claims to be the attorney of Sh. Sachin Bhalla son of Murari Lal Bhalla, resident of Delhi. As per averments made in the FIR, accused Gian Chand Bhardwaj, Bimla Bhardwaj, Rajeev Bhardwaj and Sanjeev Bhardwaj entered into an agreement to sell their Rice Sheller i.e. Shiv Shankar Rice Sheller, situated at Rajpura to Sachin Bhalla on 25.10.2015. Accused Gian Chand Bhardwaj, Rajeev Bhardwaj and Sanjeev Bhardwaj had allegedly visited Sachin Bhalla on 25.10.2015 where the deal was struck for Rs.2,50,00,000/-. He had paid Rs.15 lacs in cash to them as earnest money. Thereafter, complainant Sachin Bhalla came to Rajpura on 26.10.2015 where three formal agreements in this regard were executed. The complainant has paid huge amount to the accused by getting the same transferred to their bank accounts through RTGS and thereafter he made some further payments and in total he had made the payment of Rs.1,19,50,000/-. However, the accused had been delaying the execution of

the sale deed, but later on they sold the property in question to M/s Mohan Lal Ronak Lal through its proprietor. Thus, the allegation of the complainant is that the accused did not intend to sell the sheller to him but they have cheated him of the huge amount.

The learned counsel for the applicants has argued that the alleged agreement was executed in the year 2015. The property in question had been sold by the applicants in January, 2018. The complainant claims that on 16.1.2018 he had made an application to the Sub Registrar, Rajpura thereby requesting him not to register the said sale deed as there was a dispute regarding the property in question. He has argued that in the said application, which is available with the investigating agency, there is mention of some matter being pending with the Economic Offence Wing, Patiala. He has argued that the said application might have been filed by the police. However, the complainant moved the instant application on 4.2.2021 i.e. after the period of three years of the execution of the sale deed by accused Gian Chand Bhardwaj etc. in favour of vendee. He has further argued that infact the property in question was already under mortgage with Punjab & Sind Bank much prior to the date of the alleged agreement. When the bank had started proceedings under the SARFAESI Act, the accused had filed a petition before the Hon'ble High Court and they could execute the sale deed only in pursuance of the order dated 5.2.2018 passed by the Hon'ble High Court in CWP No.18738 of 2017 M/s Shiv Shankar Rice Mills and others vs. Punjab & Sind Bank. He has argued that the amount in

question was got transferred in the accounts of the applicants by the complainant in pursuance of another deal. He has prayed for grant of anticipatory bail to the accused/applicants.

On the other hand, the learned Addl. Public Prosecutor has argued that the allegations against the accused/applicants are quite serious. They have cheated the complainant of the huge amount of Rs.1,19,50,000/-. He has further argued that even otherwise if the persons entering into such like commercial agreements are allowed to resile from the agreement at their whims, it would be detrimental to the progress of the economy and such like persons should not be granted anticipatory bail.

As already mentioned above, the present dispute has arisen out of the agreement of sale of immovable property allegedly executed by the accused in favour of principal of the complainant. The said agreement was executed in the year 2015. Even the property in question had been transferred by the accused to some one else in January, 2018. The complainant was well aware of the said transfer. However, he moved the instant application before the police in February, 2021 i.e. after the period of three years of the transfer of the property by the accused/applicants.

Keeping in view the entire facts and circumstances, the accused/applicants are directed to join the investigation by causing their appearance before the Investigating Officer as and when required. However, in the event of their arrest, they be released on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer and that they shall

cooperate with the investigating agency and shall not leave the country without prior permission of the Illaqa Magistrate. The bail application is adjourned to 5.7.2021. Long date is granted due to outbreak of Pandemic Covid-19. Copy of this order be placed on the connected bail application file titled as Bimla Bhardwaj & another vs. State (BA/1476/2021).

Date of Order: 12.5.2021

Jagjit Singh, Stenographer Gr-I

(Rajinder Aggarwal)
Sessions Judge
Patiala. (PB0048)