

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-16138 of 2015 (O&M)
Date of Decision: 17.08.2015**

Kulwinder SinghPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. N.P.S.Mann, Advocate,
for petitioner.

Mr. Varun Sharma, AAG, Punjab.

SHEKHER DHAWAN, J (ORAL)

Petitioner has applied for anticipatory bail who is facing allegation that on 11.08.2008 an agreement of sale was executed vide which complainant Sukhdev Singh was to purchase the land measuring 0 kanal 15 marlas for a sum of ₹5,00,000/-. A sum of ₹2,50,000/- was paid to the petitioner in presence of witnesses. On 23.11.2011 balance amount of ₹2,50,000/- was paid in full and final settlement and agreement was reduced into writing. Later on petitioner did not execute the sale deed on 12.02.2013. Petitioner Kulwinder Singh had undertaken before the Panchayat for execution of sale deed within one year but later on executed registered sale deed in favour of Gurdev Singh son of Bachan Singh vide registered sale deed No.813 dated 08.12.2008.

2. Learned counsel for the petitioner took the plea that petitioner has been falsely implicated in this case. More so, he has also joined

investigation as per direction of the Court vide order dated 18.05.2015. So order dated 18.05.2015 be made absolute.

3. Learned State counsel opposed the application for anticipatory bail on the ground that petitioner had already joined the investigation but he has not co-operated in the investigation and there was no recovery of ₹5,00,000/-. Otherwise it was a clear cut case of cheating as petitioner had sold his land in favour of complainant on the basis of agreement dated 11.08.2008 and received a total sum of ₹5,00,000/-. Later on he had sold the same land to Gurdev Singh vide registered sale deed on 08.12.2008. Custodial investigation of the petitioner is required, so application for grant of anticipatory bail be dismissed.

4. At this stage without expressing anything on the merits of the case and keeping in view the fact that petitioner had allegedly received payment of ₹5,00,000/- for sale of agriculture land and the allegations are that the said land was sold again to somebody else. Petitioner is required for custodial investigation by the police. No case is made out for anticipatory bail.

5. In view of the above, present petition being without any merit stands dismissed.

(SHEKHER DHAWAN)
JUDGE

August 17, 2015

msd