

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-2070 of 2015

Date of decision : March 24, 2015

Rohtash

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Kamal Sharma, Advocate, for the petitioner
Mr. Deepak Sabharwal, Addl. AG Haryana

Fateh Deep Singh, J. (Oral)

Petitioner has sought regular bail under section 439 Cr.P.C. in case FIR No. 513 dated 29.9.2014, under sections 420/467/468/471 IPC, Police Station Samalkha, District Panipat. He is in custody since 8.11.2014. The allegations as has been brought to the notice of the Court are that the petitioner who was owner of the land in question had entered into an agreement to sell on 21.3.2014 with both the complainants Jai Bhagwan son of Sadhu Ram and Jai Bhagwan son of Mangat Ram at the rate of Rs 42 lacs per acre for the land measuring 13 kanals 19 marlas and received Rs 18 lacs as earnest money. As per this understanding by way of agreement, Rs 27 lacs was to be paid by the complainants on or before 10.4.2014 and the sale deed was to be executed by 25.7.2014. It is during

the course of events on 11.8.2014, the complainants have rescinded this agreement to sell by serving legal notice on the petitioner on the grounds that prior to their agreement, on 17.6.2013 the petitioner has executed an agreement to sell with some body else.

The contentions of the counsel for the petitioner are that it is a pure civil dispute and that the complainants even prior to the registration of FIR, have only claimed recovery of their amount by way of civil suit and that it was a simpliciter civil dispute and the present case has been lodged by way of counter blast. These facts have not been disputed by the State.

Having regard to the fact that the petitioner is in custody since four and half months and the trial is not likely to be concluded in near future and it is a questionable fact whether it is a simpliciter civil or criminal dispute.

In view of the aforesaid, without meaning to express any opinion on the merits, the instant bail petition is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Panipat.

March 24, 2015
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(Fateh Deep Singh)
Judge