

CRM-M-25422-2014 (O&M)

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

**CRM-M-25422-2014 (O&M).
Decided on: February 4, 2015.**

Arvinder Pal Singh

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Mansur Ali, Advocate,
for the petitioner.**

Mr.J.S.Brar, AAG., Punjab.

**Mr.Vinod Chaudhary, Advocate,
for the complainant.**

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Bhupinder Singh alleging that the petitioner had received a sum of Rs.10 lacs as earnest money from the complainant on the basis of agreement of sale dated 5.6.2010 whereas there was a charge on the property in a case of injunction filed by Jasleen Kaur wife of the petitioner. During the course of investigation, it has transpired that the wife and minor son of the petitioner are in possession of a part of the house in dispute and that on account of their resistance to give possession to the vandeeds the transaction could not be finalised.

Counsel for the complainant has intervened to oppose the grant of pre-arrest bail on the ground that during

CRM-M-25422-2014 (O&M)

pendency of civil proceedings and the Court case, half of the house in dispute has been sold to a subsequent purchaser.

In view of dispute being of civil nature and the petitioner being ready to return the earnest money, the petitioner can be granted the concession of pre-arrest bail on the condition that he would return the earnest money along with interest and additional amount of compensation for unnecessary harassment caused to the complainant without prejudice to the rights of the complainant in civil litigation to enforce his rights for performance of the part of the agreement for sale or for refund of any higher amount.

The petition is allowed. It is ordered that in case of arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the following conditions: -

(i) that the petitioner will join investigation again on 21.2.2015 and will furnish a bank draft of a sum of Rs.13 lacs in the name of the complainant to the investigating officer. It will be open to the investigating officer to hand over the said draft to the complainant without prejudice to the rights of the complainant to recover any additional amount or to seek performance of the alleged agreement of sale; and

(ii) the petitioner will not tamper with the evidence or hamper investigation, in any manner.

February 4, 2015.
rka

(M.M.S. BEDI)
JUDGE