

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

**C.R.M-M No.30914 of 2015
Date of Decision : 15.12.2015**

Rajbaksh Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ajay Sharma, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Pardeep Kumar, Advocate
for Mr. A.S. Cheema, Advocate
for the complainant.

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?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.83 dated 04.08.2015, registered under Sections 420, 506, 120-B IPC, at Police Station Sadar Abohar, District Fazilka.

The allegations are that the petitioner had earlier entered into an agreement dated 05.10.2011 to sell 2 acres of land. The target date was 31.12.2011. As per the petitioner that vendee defaulted and therefore his earnest money was forfeited and the contract came to an end. Subsequently

after more than 2 years i.e. on 31.12.2013 the petitioner sold one acre to the present complainant . After that sale deed and even after the mutation was entered in favour of the complainant the previous intending vendee filed a suit for specific performance. It is at that stage that the present FIR was lodged alleging fraud by the petitioner.

Learned Additional Advocate General as well as learned counsel for the complainant have accepted these factual assertions.

In view of the facts and circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

December 15, 2015

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**(AJAY TEWARI)
JUDGE**