

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

**C.R.M-M No.32941-2015
Date of decision : 05.10.2015**

Avtar Singh

..... Petitioner

Versus

State of U.T., Chandigarh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Girish Agnihotri, Senior Advocate with
Mr. Vijay Pal, Advocate
for the petitioner.

Mr. A.S.Virk, Addl. P.P. for U.T., Chandigarh.

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 F.I.R. No.216 dated 05.06.2015 registered under Section 420 IPC at Police Station East, Sector 26, Chandigarh.

The allegation is that the petitioner has entered into an agreement to sell without disclosing that there was earlier agreement to sell in favour of other persons.

Learned senior counsel has argued that the agreement to sell on the basis of which current FIR is lodged was made in the year 2007 and its a

civil dispute which has been given a criminal colour.

Learned counsel for U.T. Administration has argued that it is on the record that the petitioner has made earlier agreement to sell which was not disclosed.

Be that as it may, once the dispute which was of agreement to sell executed 8 years before the FIR, 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 to the satisfaction of 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.

October 5, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**