

CRM-M-36696-2015 (O&M)

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

**CRM-M-36696-2015 (O&M).
Decided on: December 22, 2015.**

Hans Raj Grover

..... Petitioner(s)

Versus

U.T. of Chandigarh

..... Respondent(s)

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

**PRESENT Mr.Raman Sharma, Advocate,
for the petitioner.**

Mr.G.S.Chahal, Addl. P.P. for UT, Chandigarh.

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

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Mandeep Sandhu alleging that the petitioner had sold a flat in Sector 63, Chandigarh, originally allotted to Dalip Singh, to the complainant for a sum of Rs.8 lacs whereas the same flat stands sold out to 5 different persons.

Counsel for the petitioner has, inter alia, argued that a valid title has been transferred to the complainant and that he has further agreed to sell the same on receipt of Rs.10 lacs vide agreement to sell dated 14.4.2010 to one Mohinder Thakur. A copy of the agreement to sell has been placed on record.

I have considered the contention of counsel for the petitioner and gone through the police file wherein statement of

CRM-M-36696-2015 (O&M)

Mandeep Sandhu has been recorded to the effect that agreement to sell entered into by Mohinder Thakur with Mandeep Sandhu complainant has now been cancelled and he has received a sum of Rs.10 lacs back. It has also been informed that originally there were six accused and on the basis of investigation, prima facie, the petitioner is the only culprit. Since the challan has not yet been presented, no opinion can be expressed regarding the culpability of the other co-accused of the petitioner.

Counsel for the petitioner has submitted that the petitioner has paid money to the person who had sold the property to him. However, he has submitted that he is ready to return substantial amount received by him to the complainant to protect his liberty without prejudice to his rights.

The circumstances mentioned hereinbefore indicate that the complainant had also not confirmed the clear title of the property before paying the money. The liability of the petitioner appears to be a mix civil and criminal liability. Interest of justice, would be adequately met in case the petitioner is granted the concession of pre-arrest bail taking into consideration the offer of the petitioner. The petitioner has already joined investigation.

The petition is allowed. It is ordered that in case of arrest of the petitioner, he shall be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the

CRM-M-36696-2015 (O&M)

evidence or hamper investigation, in any manner. He will hand over a bank draft of Rs.5 lacs to the complainant within one month from today without prejudice to the rights of the parties to be determined finally in civil or criminal proceedings.

December 22, 2015.
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(M.M.S. BEDI)
JUDGE