

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

Date of decision: 11.12.2015

Inderjit Singh

.....Petitioner

v.

State of Punjab

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.JS Thind, Advocate for the petitioner

Jaswant Singh, J.(Oral)

Prayer is for grant of anticipatory bail in case FIR No.151 dated 21.8.2015 under Sections 420,120-B IPC, PS E Division, Amritsar.

Complainant Charanjit Singh entered into an agreement to sell dated 6.2.2013 regarding purchase of a house measuring 101 square yards with the alleged owner Sharanjit Kaur, who is none else than wife of the petitioner-accused. She posed herself as owner by virtue of a sale deed dated 30.5.2012 and received a sum of Rs.3.50 lacs as earnest money. The target date for execution of the sale deed was 6.8.2013. She, however, did not execute the sale deed on the ground that she is not the owner.

It transpires that the petitioner accused has purchased the said house vide a registered sale deed dated 14.11.2008 from the original owner Sukhdev Singh and thereafter got a subsequent sale deed from Sukhdev Singh executed in favour of his wife on 30.5.2012 on the strength of which she had entered into the agreement to sell with complainant Charanjit Singh.

It is conceded that wife Sharanjit Kaur was arrested and has now been released on bail.

Learned counsel submits that FIR has been filed after two years and even no suit for specific performance has been filed. It is further submitted that the allegations are against wife of the petitioner and allegations against petitioner are refusal to refund the amount of earnest money.

After hearing learned counsel it is evident that since it is apparent from the investigation that an offence under Section 120-B IPC has been included since petitioner would have actively connived with his wife in cheating Charanjit Singh at the time of execution of agreement to sell since she concededly could not be legal owner of the property as Sukhdev Singh could not pass better title to her on 30.5.2012 having already sold the property to petitioner.

From the facts of the case and keeping in view the gravity and nature of offence, no case for grant of anticipatory bail is made out.

Dismissed.

11.12.2015.
joshi

(Jaswant Singh)
Judge