

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision:07.04.2015

1. Crl. Misc. No. M-43984 of 2014

Malkiat Singh Petitioner

Versus

State of Punjab Respondent

2. Crl. Misc. No. M-37134 of 2014

Atinder Singh Petitioner

Versus

State of Punjab Respondent

3. Crl. Misc. No. M-41745 of 2014

Gurdev Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. C.L. Verma, Advocate, Mr. Vikram Preet Arora
and Mr. V.R. Lamba, Advocate for the petitioner.

Mr. Sudesh Sahi, Advocate for the complainant.

Mr. P.S. Grewal, DAG, Punjab.

Navita Singh, J. (Oral)

The allegations in the FIR were that one Mewa Singh had misrepresented to the complainant that one Gurdev Singh was interested in selling his land which the complainant could purchase and then Mewa Singh would get the same land sold on higher rate further. The complainant got lured in on account of the profit which was expected from the second sale. According to him, agreement of sale was executed on 11.11.2013

with Gurdev Singh and an amount of Rs.40 lacs was paid as earnest money.

On the last date, State Counsel was directed to inform today as to what was the offence actually made out against the petitioners. According to counsel for the petitioner, the dispute was of civil nature. Also, the agreement is of dated 11.11.2013. Sale deed was to be executed by 25.1.2014. It is submitted that the petitioners are ready to perform their part of the contract. The buyer is dilly dallying.

Prima-facie the dispute is of civil nature because execution of the agreement is not denied. Also, it is not explained as to why the buyers did not adhere to the principles of “Buyer Beware” and did not check the relevant documents.

As per counsel for the Sate, the petitioners joined the investigation.

In view of the above, all the petitions are allowed and the interim relief granted to the petitioners is made absolute.

07.04.2015
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(NAVITA SINGH)
JUDGE