

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

CRM-M No.8089 of 2015 (O&M)

Date of Decision: 28.09.2015

Kulwant Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Amit Verma, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent along with ASI Avtar Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.8 dated 08.01.2015, under Section 420 of the Indian Penal Code, registered with Police Station Garhshankar, District Hoshiarpur (**Annexure P-1**).

Learned Counsel would submit that the allegations are that the petitioner had entered into an agreement to sell dated 23.7.2012 with the complainant in respect of a residential house and the target date for execution of the sale deed was 25.1.2013 and the earnest money given by the complainant in the capacity of a purchaser had not been returned and neither had the sale deed been executed. Learned Counsel would submit that as per agreement to sell since the target date had elapsed on 25.1.2013 as such he had sold the house to another purchaser on 8.7.2013 and strictly as per terms and conditions of the agreement itself the earnest money was liable to be forfeited. Learned Counsel submits that the dispute is essentially civil in nature and till date no suit for specific performance has been instituted by the complainant.

Learned Counsel for the petitioner further submits that the petitioner has joined the investigation.

Learned State Counsel, on instructions from ASI Avtar Singh, submits that pursuant to the interim order dated 07.04.2015, petitioner has joined the investigation and his custodial interrogation is no longer required.

In view of the above, interim pre-arrest bail granted by this Court, vide order dated 07.04.2015, is made absolute.

Disposed of.

September 28, 2015

Gagan

**(JASWANT SINGH)
JUDGE**