

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

220

CRM-M-10066-2016

Date of Decision: April 21, 2016

PARAMJIT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

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

Present : Mr. P.S. Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

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

This is second petition for grant of regular bail.

While dismissing the first application for bail on 25.02.2016, it was observed that the petitioner would be entitled to file fresh application after the examination of the complainants or after the arrest of co-accused of the petitioner. Daljit Singh co-accused has since been arrested and both the complainants have been examined-in-chief. In such circumstances, the second application has been taken up for consideration.

This case was registered at the instance of Prithvi Raj and Davinder Kumar alleging that the petitioner in connivance with co-accused Daljit Singh and his brother Rupinder Singh (since deceased) had agreed to sell the property measuring 3 kanals 7 marlas and received a sum of Rs.60 lacs from the complainant but subsequently they refused to either execute the sale deed or return the double amount of earnest money paid.

A civil suit regarding specific performance of agreement of sale dated 29.05.2014 and in the alternative for recovery of Rs.74 lacs has already been filed. Copy of the plaint has been made available. Since the rights of the parties are to be determined by the Civil Court, the liability of the petitioner prima facie appears to be a combination of civil and criminal liability. Challan has already been presented. Three prosecution witnesses are stated to have been examined-in-chief.

I have considered the facts and circumstances of the case. It is apparent that a sum of Rs.60 lacs was allegedly paid by the complainant to three brothers, out of which one is stated to have died. The liability of the petitioner is joint and several with the other persons. On asking of the Court, counsel for the petitioner has submitted that petitioner is ready to discharge part of his liability without prejudice to the legal rights of the petitioner in the civil litigation.

In view of the said offer and conduct of the petitioner and further taking into consideration the period of detention suffered by the petitioner, he can be released on bail subject to the condition that petitioner will pay a sum of Rs.6 lacs to the complainant within a period of two months after his release on bail without prejudice to the right of the complainant to recover the remaining amount in accordance with law or to settle the dispute with the petitioner and other co-accused on any terms.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court subject to the condition that petitioner will pay a sum of Rs.6 lacs, as agreed

by counsel for the petitioner under the instructions of his client. The amount will be paid in the shape of bank draft in favour of the complainant to be deposited before the trial Court which shall be released to the complainant against receipt. In case, the amount is not paid within the period of two months after release of the petitioner on bail, it will be open to the complainant to seek the cancellation of bail. Payment of the aforesaid amount shall not in any manner prejudice the other legal rights of either of the parties.

The petitioner will not leave India without prior permission of the trial Court.

(M.M.S. BEDI)
JUDGE

APRIL 21, 2016
Rajneesh