

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

CRM-M No.11117 of 2015 (O&M)

Date of Decision: 12.04.2016

Harnek Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ramneek Vasudeva, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by ASI Mohinder Paul.

Mr. Mukul Aggarwal, Advocate for the complainants.

JASWANT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner-Harnek Singh in case FIR No.2 dated 03.01.2014, under Sections 420, 120-B of the Indian Penal Code, registered with Police Station Sadar Rupnagar, Distt. Rupnagar **(Annexure P-1)**.

The present petitioner/accused had entered into an agreement of purchase dated 27.07.2012 qua the land in question with the previous owners- Amar Singh and Sohan Singh on payment of earnest money. Based on the said agreement, the petitioner entered into agreement of sale dated 01.08.2012 and 06.08.2012 with the complainants-Ranjit Singh and Dilbag Singh and received an amount of Rs.22 Lacs as earnest money. Since neither the sale deed was executed nor the amount refunded, the complainants lodged the aforesaid FIR.

It is contended that the sale deed could not be executed by the petitioner/accused as the previous owners had not executed the prior sale deed in favour of the petitioner/accused pursuant to the previous agreement to sell dated 27.07.2012. Learned Counsel for the petitioner submits that the present complainants have filed a suit seeking alternative relief of refund of

earnest money and as such, no offence is made out. He further submits that the petitioner has joined the investigation and nothing is to be recovered from him.

Learned Counsel for the complainants submits that the earnest money paid is yet to be recovered.

Learned State Counsel, assisted by ASI Mohinder Paul, also submits that although the petitioner has joined the investigation, however, the earnest money is yet to be recovered.

After hearing learned Counsel for the parties, it is apparent that the dispute is essentially of civil nature and the complainants have already resorted to seek their remedy in accordance with law.

Without commenting on the merits of the case, keeping in view the above, the interim protection/pre-arrest bail granted by this Court, vide order dated 10.04.2015, is made absolute.

Disposed of.

April 12, 2016

Gagan

**(JASWANT SINGH)
JUDGE**