

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

(202)

CRM-M-13670-2016

Decided on: September 20, 2016.

Jagdeep Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Ms. Puja, Advocate, for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Mewa Singh alleging that the petitioner in the capacity as property dealer, had persuaded the complainant to part with a sum of Rs.2.50 lacs which was paid as earnest money for the sale of plot measuring 100 sq. yards, out of a plot of 196.16 sq. yards in village Hassanpur.

The grievance of the complainant, as per the FIR, is that the property belonged to one Sham Sunder and the amount of earnest money had been received by the petitioner and Jang Singh. It is a fact that Mewa Singh has also filed a suit for specific performance for execution of the sale deed on the basis of the agreement of sale dated 20.12.2011 which is the subject matter of the present FIR.

Pursuant to the interim order passed by this Court, the petitioner has joined the investigation as per the instructions of ASI Jagroop

Singh imparted to the State counsel. A sum of Rs.50,000/- has been paid by the petitioner in the shape of bank draft in the name of Mewa Singh complainant.

In view of said circumstances, this petition can be allowed as it does not appear to be a case of custodial interrogation and appears to be a combination of liability which is civil as well as criminal.

The petition is allowed. Interim order dated 23.08.2016 is hereby made absolute subject to the conditions that the petitioner will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner and he will pay a sum of Rs.50,000/- to complainant Mewa Singh subject to the final adjudication of the rights of the parties by the Court of competent jurisdiction. The bank draft which has already been handed over, pursuant to the interim order passed by this Court to the investigating officer can be handed over to the complainant, without prejudice to the right of the parties, against an appropriate memo subject to the final adjudication of rights of the parties.

(M.M.S. BEDI)
JUDGE

September 20, 2016
harsha

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No