

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

(205)

CRM-M-16003-2016

Decided on: August 10, 2016.

Rajinder Pal

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. Kanwaljeet Singh Derabassi, Advocate,
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

Petitioner is son of Phool Singh. As per the case of the prosecution registered on the statement of Ashok Kumar, the father of the petitioner had entered into an agreement of sale dated 20.01.2014 on receipt of Rs.4,66,200/- but the father of the petitioner had allegedly entered into an agreement of sale by ante dating on 12.12.2013 in favour of Malkiat Singh. The grievance of the complainant is that in order to defeat his rights, the father of the petitioner has created an agreement of sale dated 12.12.2013 in back date as the stamp paper had been purchased on 17.12.2013.

Learned State counsel has submitted that the petitioner, his brother and his father, have entered into an agreement of sale to defeat the rights of the complainant.

I have heard learned counsel for the petitioner and gone through the facts and circumstances of the case.

The complainant has got a legal right to enforce the agreement of sale by seeking preferential rights on the basis of the agreement of sale dated 20.01.2014. So far as the petitioner is concerned, he is son of the main accused.

The execution of a subsequent agreement of sale ipso facto does not constitute an offence especially when there are no allegations against the petitioner of having himself received any earnest money from the complainant.

The petitioner has joined the investigation.

Petition is allowed. Interim order dated 10.05.2016 is hereby made absolute. It is ordered that in case of arrest of the petitioner, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

August 10, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No