

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

CRM-M-17337-2016 (O&M)

Date of decision : 06.09.2016

Jaiveer Singh Sodhi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Aman Priye Jain, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Ajit Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for grant of pre-arrest bail in case FIR No.34 dated 12.03.2014, registered under Section 406, 420 and 120-B of the Indian Penal Code, at P.S. Mataur, Distt. S.A.S. Nagar, Mohali.

On 19.05.2016, this Court passed the following order:-

“Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Mohinder Thakur alleging that the petitioner had received a sum of Rs.12.50 lacs as earnest money in transfer of flat allotted by A.C.C. Members House Building Society but as a matter of fact, there is no Society with said name.

The petitioner submits that he as a member of said Cooperative Society had agreed to sell the property to the complainant on December 7, 2010

and that the complainant had paid a sum of Rs.5.50 lacs but later on the complainant did not approach for execution of the further agreement and pay the balance money.

Notice to Advocate General, Punjab, for July 11, 2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on May 28, 2016 and in case of his doing so, he will be released on interim bail to the satisfaction of the arresting officer.

Counsel for the petitioner will seek instructions whether the petitioner is ready to return the amount received by him.”

Learned counsel for the petitioner contends that the petitioner is ready and willing to execute the agreement in question or to return the amount of ₹5.50 lacs received by him. He has repeatedly joined the investigation.

On the other hand, learned State counsel has opposed the instant bail petition. On instructions, she submits that though the petitioner has joined the investigation but he is not cooperating as the amount is still to be recovered.

Heard.

Keeping in view the fact that the petitioner is ready and willing to execute the agreement or to return the entire amount and he has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 19.05.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate

concerned.

The petition stands allowed accordingly.

06.09.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

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