

**201-C IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.19097 of 2015 (O&M)
Date of Decision : 02.08.2016**

Mukesh Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Gitish Bhardwaj, Advocate
 for the petitioner.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Charanpal Singh Bagri, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.90 dated 14.05.2015 registered under Sections 406/420/120-B IPC at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

On 04.06.2015 the following order was passed:-

“Learned counsel for the petitioner submits that the dispute involved is purely civil in nature which has been given colour of criminal offence.

Notice of motion for 17.7.2015.

In the meantime, arrest of the petitioner shall remain stayed subject to the condition that the petitioner shall join the investigation as and when called by the Investigating Officer.”

The allegations against the petitioner is that he entered into an agreement to purchase about 10 acres of the land of the complainants and induced the complainants to execute sale deeds in favour of various persons but not only did not pay them the money but also befooled the other purchasers by first showing that there would be a 40 feet wide passage and later selling that passage area also and also that in respect of one plot they have got executed two sale deeds. The petitioner had been released on interim bail by order dated 04.06.2015.

Learned Additional Advocate General on instructions from ASI Bakshish Singh states that huge recoveries have to be made from the petitioner while learned counsel for the petitioner states that though the allegations pertain to a period of 04 or 05 years ago no attempt was made

to get those sale deeds cancelled by filing a civil suit.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 04.06.2015 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

02.08.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No