

CRM No. M-27209 of 2016
DECIDED ON: AUGUST 30, 2016

MANINDER SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J

By virtue of instant petition preferred under Section 438 Cr.P.C. petitioner has sought pre-arrest bail in case FIR No. 13, dated 15.01.2016, under Section 420, 120-B IPC, registered at Police Station City Tarn Taran, District Tarn Taran.

Shortly put, the case of prosecution is that complainant-Gurdeep Singh moved an application to SSP, Tarn Taran for registration of case alleging that Santosh Kumari @ Sandeep Kaur entered into an agreement to sell dated March 11, 2015 in respect of land measuring 24 kanals 12 marlas. On receipt of an amount of ₹21,00,000/- as earnest money out of total sale consideration and agreed to execute the sale deed according to the terms and conditions enumerated in the agreement to sell. However, she is alleged to have executed sale deed in favour of Lakshminder Kaur. The petitioner is the husband of Lakshwinder Kaur.

Undoubtedly, petitioner has been arrayed as one of the accused just on the basis that his wife has purchased a property from Santosh Kumari @ Sandeep Kaur, which is alleged to have already been agreed to sell to Gurdeep Singh-complainant. When Santosh Kumari @ Sandeep Kaur is stated to have made aware of the agreement alleged to have been executed by her, she immediately made a complaint against the complainant-Gurdeep Singh. Since the petitioner is not a party to the sale deed dated March 10, 2016 and further that the case of prosecution is entirely based upon documentary evidence, this Court is of the view that custodial interrogation of the petitioner is not required. Further, this Court is of the considered view that a case is made out to exercise the discretion as envisaged under Section 438 (2) Cr.P.C..

Accordingly, instant petition is allowed subject to the conditions provided under Section 438 (2) Cr.P.C.

AUGUST 30, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No