

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29101 of 2016

Date of Decision: 08.12.2016

Rajinder Kaur

. . . Petitioner

Versus

State of punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Navkiran Singh, Advocate
for the complainant.

A.B. Chaudhari, J. (Oral)

Heard learned counsel for the rival parties.

In respect of order dated 23.09.2016, passed in CRM-M
No.32305 of 2016 (Sarab Vijay Singh and another Vs. State of Punjab),
which reads thus:-

“Heard learned counsel for the rival parties.

*Learned counsel for the petitioners on instructions
from the petitioner makes statement that the petitioners
would deposit an amount of Rs.20,00,000/- in the Court of
CJM, Jalandhar by 27.10.2016.*

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In the meanwhile the petitioners are ordered to be released on interim bail which shall operate till that date. Failure to deposit the said amount shall result in automatic withdrawal of the order of interim bail.

Adjourned to 04.11.2016 for further orders.”

Said Sarab Vijay Singh is son of Rajinder Kaur-petitioner in the instant petition. The allegations are that the petitioner and her two sons had by misrepresentation collected an amount of 40 lacs from the complainant and complainant lateron found that the said property was in fact under mortgage with the bank.

The grievance of the complainant was that an amount of Rs.40 lacs was paid by the complainant. The complainant is represented by learned counsel.

This Court had made a final order in the case of Sarab Vijay Singh on 04.11.2016 asking the deposit of Rs.20 lacs to be kept in the fixed deposit subject to the outcome of the trial. However, I find that the complainant can be given the said amount of Rs.20 lacs subject to furnishing solvent security before the trial Court of Rs.20 lacs for release of the said amount. The said amount of Rs.20 lacs can be utilized by the complainant.

This is being done so that complainant can get atleast some relief. It is astonishing that either of the parties have not yet filed any civil proceedings on the basis of agreement to sell.

The parties must know that there is limitation of filing the civil proceedings that it may avail. In so far as present petitioner is concerned, she is the mother of Sarab Vijay Singh and is an old lady.

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In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 22.04.2016 is made absolute and the same shall remain in subsistence during the pendency of the trial.

The petition is disposed of in terms above. The trial Court will disburse the amount of Rs.20 lacs, upon furnishing solvent security to the extent of Rs.20 lacs.

Hence, disposed of.

[A.B. CHAUDHARI]
JUDGE

08.12.2016
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Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No