

**CRM-M-33422-2016**

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

**CRM-M-33422-2016**

**Date of Decision: 05.10.2016**

Neeraj Arora

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

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

Ms. Shivali, Assistant Advocate General, Punjab.

**INDERJIT SINGH, J.**

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.53 dated 15.04.2016, registered at Police Station Bassi Pathana, District Fatehgarh Sahib, under Section 420 IPC.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the allegations in the FIR, earnest money was paid for allotment of plots by the complainant in the

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year 2011, but the plots were not allotted.

Learned counsel for the petitioner argued that agreement has already been cancelled as after the payment of earnest money, no further installment has been given and FIR has been got recorded after about 05 years and no civil remedy by filing suit for specific performance or for recovery of earnest money has been availed.

Keeping in view the facts and circumstances of the present case, I find that case is based on the documentary evidence and the petitioner is not required for custodial interrogation or nothing is to be recovered from him. No useful purpose would be served by sending the petitioner to custody.

In view of above and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. It is ordered that in the event of arrest, the petitioner be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

**05.10.2016**

parveen kumar

**(INDERJIT SINGH)  
JUDGE**

|                           |   |     |
|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |