

CRM-M-37299-2016

Date of Decision : 25.10.2016

Harpinder Singh @ Harpinder Dass

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Sachin Jain, Advocate
for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

Petitioner seeks concession of regular bail in a case registered at the instance of Pritpal Singh alleging that the petitioner along with his co-accused Harjinder Singh and Himanshu Shekhar has cheated the complainant by entering into an agreement of sale of a house on 02.09.2011 which actually belonged to said Harjinder Singh. Harjinder Singh had given his power of attorney in favour of co-accused of the petitioner, Himanshu Shekhar, but despite having taken Rs. 25 lacs from the complainant, the accused did not register the sale deed in favour of the complainant.

On asking of the Court, it has been informed that the FIR was registered after the period of three years. No suit for specific performance has been filed by the complainant for enforcement of the right accruing from the contract.

After hearing learned counsel for the petitioner and learned State counsel, I have gone through the police file and it appears that it is

a case of combination of civil and criminal liability. The criminal liability will certainly be a debatable issue during the course of trial especially when the FIR has been registered after a gap of more than three years.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Mohali.

(M.M.S. BEDI)
JUDGE

25.10.2016

Neha

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No