

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

CRM-M No.38013 of 2015 (O&M)

Date of Decision: 05.04.2016

Deepak Sharma

..... Petitioner

Vs.

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vishal Munjal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for respondent No.1/State assisted by H.C. Sarabjit Singh.

Mr. R.S.Chauhan, Advocate for respondent No.2.

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner/accused-Deepak Sharma in case FIR No.75 dated 09.09.2015, under Sections 420, 406, 448, 457, 380 of the Indian Penal Code, registered with Police Station Shahpur Kandi, Tehsil and District Pathankot **(Annexure P-1)**.

The petitioner and his co-accused wife had entered into an agreement to sell dated 08.05.2015 for sale of a residential house in favour of the complainant-Satish Kumar. An initial earnest money of Rs.15 lacs was received and the balance consideration of Rs.20 lacs were to be paid on the target date of execution of the sale deed on 23.07.2015. It transpires that the residential house stood already mortgaged with a bank against a loan of Rs.20 lacs, which as per the recital was to be paid by the complainant towards the balance consideration.

It is a matter of record that the said balance consideration was paid by the complainant on 16.07.2015 to the bank and yet the petitioner backed out of the execution of the sale deed.

Learned Counsel for the petitioner submits that the dispute is essentially of civil nature and a suit for specific performance already stands filed, another suit by the accused party also stands filed emerging out of the same agreement to sell with regard to the actual sale price.

Learned State Counsel, assisted by HC Sarabjit Singh submits that another FIR of similar nature already stands filed against the present petitioner.

Learned Counsel for the complainant points out that the interim protection by the petitioner was secured on the ground that he was keen to settle the dispute with the complainant. The matter was referred to the Mediation and Conciliation of this Court and in spite of four occasions on different dates, the petitioner/accused did not appear. Hence, no further indulgence is required.

Keeping in view the totality of the circumstances, nature and gravity of the alleged offence, no case for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition stands dismissed.

April 05, 2016

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**(JASWANT SINGH)
JUDGE**