

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

(210)

CRM-M-43826-2015

Decided on: January 14, 2016.

Indu Jaura

.... Petitioner

Versus

State of Punjab

..... Respondent

(2)

CRM-M-462-2016

Decided on: January 14, 2016.

Daljit Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. J.S. Sandhu, Advocate, for the petitioners.

Mr. T.N. Sarup, Addl. A.G., Punjab.

Mr. Achin Gupta, Advocate, for the complainant.

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

This order will dispose of two applications for grant of pre-arrest bail, one (CRM-M-43826-2015) filed by Indu Jaura and the other (CRM-M-462-2016) filed by Daljit Singh.

The FIR was registered at the instance of complainant Prithvi Raj alleging that a fraud has been played with the complainant. Daljit Singh along with Rupinder Singh and Paramjit Singh had agreed to sell property measuring 3 kanals 7 marlas to the complainant and received a sum of Rs.60 lacs in cash as sale consideration. The sale deed was to be executed in

favour of the complainant but the accused failed to execute the sale deed. Menawhile, Rupinder Singh husband of petitioner Indu Jaura died and mutation of inheritance was entered in the name of Indu Jaura. The grievance of the complainant is that he has been cheated by Daljit Singh, Paramjit Singh and Rupinder Singh who are now represented by Indu Jaura.

Bail has been sought inter alia on ground that it is a case of civil liability and a civil suit for specific performance filed by the complainant is pending.

With the assistance of learned counsel for the petitioners, I have gone through the written statement of petitioner Daljit Singh and other defendants.

Stand taken by the defendants in the suit for specific performance is that a sum of Rs.60 lacs received by Daljit Singh petitioner and Rupinder Singh stands refunded to the plaintiff. It has also been averred in the written statement that no earnest money had ever been received in lieu of the agreement of sale dated 29.05.2014. No document has been referred to by counsel for the petitioners indicating the refund of the money.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail contending that had the amount been refunded, the petitioners should have taken back the original registered title deed in favour of the sellers.

Taking into consideration the facts and circumstances of the case, it appears to be a case of combination of civil and criminal liability. The intention of a party at the time of entering into the agreement of sale is

required to be seen besides a subsequent event. Unreasonable stand taken by petitioner Daljit Singh in civil litigation reflects the guilty mind.

No ground is made out to grant concession of pre-arrest bail to petitioner Daljit Singh.

The petition of petitioner Daljit Singh (CRM-M-462-2016) is dismissed without prejudice to his rights in the civil litigation. Interim order passed in this petition is vacated.

So far as petitioner Indu Jaura is concerned, she is the wife of Rupinder Singh who had allegedly entered into an agreement of sale. Criminal liability qua Indu Jaura petitioner will certainly be a debatable issue. She can be granted concession of bail.

Petition of Indu Jaura (CRM-M-43826-2015) is allowed. It is ordered that in case of arrest of petitioner Indu Jaura, she will be released on bail to the satisfaction of the arresting officer subject to the condition that she will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

Nothing said in this order will prejudice the right of any of the parties in civil litigation.

(M.M.S. BEDI)
JUDGE

January 14, 2016
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