

Sr. No. 209

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

**CRM No. M-44515 of 2015 (O&M)  
Date of Decision: 18.02.2016**

Manjit Singh and another

...Petitioners

Versus

State of Punjab

... Respondent

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Vikas Bali, Advocate,  
for the petitioners.

Mr. D.S.Virk, AAG, Punjab.

Mr. Rajesh Gupta, Advocate,  
for the complainant.

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**TEJINDER SINGH DHINDSA. J (ORAL)**

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.243 dated 13.12.2015, under Sections 420, 120-B and 506 of Indian Penal Code, registered at Police Station Machhiwara, Tehsil Khanna, District Ludhiana.

Counsel for the parties have been heard at length.

It may be briefly noticed that FIR in question came to be registered on the complaint of Munish Jindal. Accusations against the present petitioners are with regard to having entered into an agreement to sell dated 21.11.2014 in respect of land measuring 45

kanals 19 ½ marlas for a total sale consideration of Rs.1,43,75,000/- (Rs. one crore forty three lacs and seventy five thousand only). Earnest money of Rs.1,30,00,000 (one crore and thirty lacs only) is stated to have been made over to the present petitioners by the complainant. Sale deed having not fructified and even earnest money having not been returned, the present FIR has been registered.

It would be the contention raised by counsel for the petitioners that the dispute is essentially civil in nature and it was for the complainant to have instituted civil proceedings in the nature of a suit for specific performance and remedy of criminal prosecution would not be available.

It is further contended that a civil suit regarding injunction has in any case being preferred by the complainant.

Learned State counsel as also counsel for the complainant would vehemently oppose the prayer made in the present petition stating that it is not a civil dispute simpliciter as the intent to cheat was there from the very threshold. That apart State counsel upon instructions from ASI Shish Pal has apprised the Court that during the course of investigation, the petitioners have admitted the factum of having entered into an agreement to sell dated 21.11.2014 before an officer of the rank of Sub Inspector being incharge of the Economic Offences Wing, Khanna.

In the light of such serious allegations, it is a case where custodial interrogation of the petitioners may well be warranted to unravel the truth and for conducting deep and fair probe.

Present petition seeking concession of anticipatory bail is,  
accordingly, dismissed.

**18.02.2016**

vandana

**(TEJINDER SINGH DHINDSA)  
JUDGE**