

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

**CRM-M No. 5812 of 2016 (O&M)
Date of Decision: 05.04.2016**

Balwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Shiv Bhola, Advocate
for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Mohan Lal.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail on behalf of the accused/petitioner-Balwinder Singh in case FIR No. 128, dated 27.12.2015, for offences punishable under Sections 420, 465, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station Phase VIII, SAS Nagar, Mohali.

As per allegations the land owned by Jaman Singh and Maninder Kaur, alleged to be minors on the date of execution of agreement to sell dated 19.12.2012 executed between their natural guardian Harchand Singh-complainant and purchaser-Tejinder Singh Punia, was sold by using the services of accused property dealer Nirmal Singh and present petitioner-Balwinder Singh. The allegations levelled by the complainant are that both the present accused petitioner and co-accused Nirmal Singh had falsely shown the two minors to be major in age and also not paid the entire sale consideration to the said owners.

It was contended that pursuant to the agreement to sell the property stands duly transferred to purchaser Tejinder Singh Punia. Allegations have been levelled after execution of due and proper documents with false allegations so as to avoid payment of due commission to the property dealer. Even otherwise the dispute at best is of civil in nature and moreso complainant himself has to be treated as a co-accused.

At the time of hearing, learned counsel for the petitioner submits that pursuant to order dated 17.02.2016, passed by this Court, the petitioner has since joined the investigation and fully cooperated.

Learned State Counsel, assisted by ASI Mohan Lal, does not refute the aforesaid factual position and further states that the petitioner is no longer required for custodial interrogation.

In view of the above, the interim protection/pre-arrest bail granted to the petitioner by this Court's order dated 17.02.2016, is made absolute.

Disposed of.

April 05, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**