

Sr. No. 111

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

**CRM No. M- 6958 of 2016 (O&M)
Date of Decision: 26.02.2016**

Vijay Kumar

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Balraj Singh Sidhu, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA. J (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.356 dated 26.11.2015, under Sections 193, 194, 406, 420, 467, 468, 41 and 506 of Indian Penal Code, registered at Police Station City Dabwali, District Sirsa.

Counsel appearing for the petitioner would contend that the alleged agreement to sell even as per FIR was executed between the complainant and Sunita Rani and the petitioner was not even a signatory to such agreement. It is further contended that dispute essentially is civil in nature and the FIR in question is nothing but an abuse of the process of law.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is not inclined to

extend concession of pre-arrest bail to the petitioner.

FIR in question was registered on the complaint of Vikram Kumar. Allegations are that he had entered into an agreement to sell dated 24.09.2013 in respect of two plots with Sunita and the entire sale consideration of Rs.6 lacs had been handed over to the signatory i.e. Sunita as also her husband i.e. present petitioner. Possession of the plot was delivered at the time of an agreement having been entered into. Allegation is that thereafter sale deed has not been got executed and rather co-accused Sunita has instituted a suit seeking injunction on the plot in question.

During the course of arguments, counsel has not been able to controvert the observations contained in the order dated 09.02.2016 passed by the learned Additional Sessions Judge, Sirsa declining concession of anticipatory bail to the effect that at the time of initial purchase of the plots in favour of the co-accused Sunita i.e. 27.08.2012 the property had been purchased even though in the name of co-accused Sunita but the present petitioner i.e. her husband had appeared before the Joint Sub Registrar on her behalf. It has also not been controverted that part of the sale consideration amount i.e. Rs. 20,000/- was returned by the present petitioner i.e. Vijay Kumar. The contention as such with regard to the present petitioner having no role to play in the present transaction is improbable.

It is conceded that till date even wife of the petitioner i.e. Sunita who was the signatory to the agreement to sell dated

24.09.2013 has not joined investigation.

In the light of the facts noticed here-in-above, this Court does not find any infirmity in the order dated 09.02.2016 passed by the learned Additional Sessions Judge, Sirsa declining the concession of pre-arrest bail to the present petitioner.

Petition is dismissed.

26.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**