

CRM-M-7300-2016

Date of Decision : 26.04.2016

Ravinderjit Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Jashanpreet Singh, A.A.G, Punjab.

Mr. Anurag Arora, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

The petitioner seeks concession of pre-arrest bail in a case registered at the instance of Harminder Singh alleging that the petitioner along with his other co-accused have received a sum of Rs.47,50,000/- from the complainant and entered into an agreement of sale regarding a plot measuring 13 kanals with specific boundaries by posing that he was the owner of the property but later on the complainant came to know that the plot in question, was not in the name of the petitioner.

Counsel for the complainant has intervened to oppose the application for regular bail.

I have heard learned counsel for the petitioner. Challan has already been presented. The petitioner has been in custody with effect from 09.11.2015.

It is pertinent to observe here that the petitioner had filed an application for pre-arrest bail and had taken up a plea that he had taken a loan of Rs.15 lacs from the complainant and had returned a sum of Rs.4 lacs

without a receipt. The petitioner was granted interim bail subject to the condition that he would produce a bank draft of Rs.5 lacs before the investigating officer in favour of the complainant. The application for pre-arrest bail was dismissed finally with a direction that the bank draft of Rs.5 lac should be returned to the petitioner.

The liability of the petitioner being partially civil and criminal, striking a balance between the rights of the complainant and the right of liberty of the petitioner during trial, in the interest of justice, it will be appropriate in case the petitioner is ordered to be released on bail on his paying a sum of Rs.5 lacs without prejudice to the right of the petitioner or the complainant. It will be open to the complainant to take steps for recovery of any amount from the petitioner by taking the legal remedy after adjusting the amount which has been ordered to be paid to the complainant by this order in the interest of justice.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that he will produce the bank draft of the aforesaid amount in the name of the complainant before the trial Court before his release on bail, which shall be handed over to the complainant by the trial Court.

(M.M.S. BEDI)
JUDGE

26.04.2016
Neha