

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

**CRM No.M-8475 of 2016 (O&M)
Date of decision:16.03.2016**

Ravinder Singh @ Ravi

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Ashok Giri, Advocate for the petitioner.

Ms. Anmol Grewal, AAG, Punjab.

Mr. R.S. Bassi, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner in case FIR No.34 dated 13.02.2016, under Sections 420/120-B IPC, registered at Police Station City Kharar, District SAS Nagar, Mohali.

FIR has been registered on the statement of Aman Sharma S/o Satish Sharma. Allegations are primarily targeted against Gurpreet Singh with whom the complainant is alleged to have entered into, two agreements to sell pertaining to agricultural land of approximately 5 acres at the rate of 41 lacs per acre. Complainant's version is that a sum of Rs.80 lacs was furnished as earnest money and the same has been misappropriated inasmuch as the sale deed has not been got executed. There are also allegations against Jatinder Dhiman @ Bunty and Amandeep Singh Vadech as regards having facilitated and brokered the deal.

Insofar as the present petitioner is concerned, he is stated to be a marginal witness to the agreements to sell allegedly entered into between the complainant and Gurpreet Singh.

Reading of the FIR would show that there is no entrustment of the earnest money or a part thereof in favour of the present petitioner. Rather the pleadings on record would indicate that the complainant himself having not come forth for execution of the sale deed on the target date, the notice had been issued by the main accused Gurpreet Singh as regards cancellation of the agreements and for forfeiture of earnest money. Such notice is stated to have been responded by the complainant through Advocate Hardeep Singh Diwana dated 12.06.2015 and the same has been placed on record at Annexure P-1. Perusal of the reply also shows that there is no entrustment of any sum of money to the present petitioner. Rather in the reply to the legal notice a stand has been taken of having paid Rs.40 lacs as earnest money as opposed to the complaint lodged which led to the registration of the FIR and as per which a sum of Rs.80 lacs had been furnished as earnest money.

Petitioner has been in custody since 13.02.2016.

Without making any observations on merits, the present petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Mohali.

Disposed of.

16.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**