

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

Date of decision:10/05/2016.

Jaspal Singh

.....Petitioner

VS

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ranjan Lakhanpal,Advocate for the petitioner.

Mr.Kirat Singh Sidhu,DAG Punjab
assisted by SI Diwan Singh

Jaswant Singh,J(Oral)

Prayer is for grant of anticipatory bail in case FIR No.53
dated 17.2.2016 under Sections 420 IPC, PS City Barnala.

Allegations of complainant-Prabhdip Singh are that he has
been cheated by the present accused-Jaspal Singh for a sum of Rs.19.89
lacs received vide full and final receipt dated 23.12.2013 (P-3) as total
sale consideration for sale of plot measuring 11 marlas pursuant to an
agreement to sell dated 30.11.2010 executed between the parties.

It is alleged that at the time of execution of agreement to
sell on 30.11.2010 an earnest money of Rs.4 lacs was received and the
target date fixed was 29.12.2010. The entire sale consideration was
subsequently received vide P-3 and the sale deed could not be executed
due to government ban on registration of sale deeds of lands in

unauthorised colonies. However, petitioner has executed the sale deed qua the land in question in favour of his wife inspite of receipt of full and final payment towards sale consideration.

It is contended that registry in the year 2010 is not executed due to complainant party not coming forward to get the sale deed registered. Even suit for specific performance was not filed within three years of the expiry of the target date and a forged and fabricated receipt dated 23.12.2013 (P-3) has been set up to put pressure upon the petitioner to execute the sale deed. Even otherwise the dispute is of civil nature and no criminal offence is made out.

Learned State counsel on instructions submits that it is yet to be adjudicated as to whether full and final receipt (P-3) is a forged receipt or not, however, it is an admitted fact that the petitioner had received at least the earnest money for sale and thereafter proceeded to transfer the property in favour of his wife. Thus, prima facie, a clear case of cheating the complainant party is made out. It is submitted that petitioner has evaded joining of investigation whose custodial interrogation is required for deeper probe.

After hearing counsel for the parties, no case for anticipatory bail is made out.

Dismissed.

10.05.2016
joshi

(Jaswant Singh)
Judge