

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-20554 of 2017

.....

Date of decision:23.10.2017

Dolly Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Harparteek Singh Sandhu, Advocate for the petitioner.

Mr. Ayush Sarna, Assistant Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.135 dated 3.6.2016 registered for the offences under Sections 420, 120-B IPC and (Sections 465, 467, 468 and 471 IPC, which were added later on) at Police Station City 1, Abohar, District Fazilka.

Notice of motion has been issued in this case.

Mr. Ayush Sarna, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that as per the allegations in the FIR,

entire instalments were paid for allotment of plots by the complainant in the year 2014, but the plot was not allotted.

Learned counsel for the petitioner argued that agreement has already been cancelled as after the payment of earnest money, no further instalment has been given and FIR has been got recorded after about 2 years and no civil remedy by filing suit for specific performance or for recovery of earnest money has been availed.

Keeping in view the facts and circumstances of the present case, I find that the case is based on documentary evidence and the petitioner is not required for custodial interrogation or nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 23.8.2017 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 23, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No