

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-22866 of 2016 (O&M)

Date of Decision: 22.02.2017

Raj Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. Amandeep Chhabra, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.52 dated 18.6.2016 under section 420 I.P.C, registered at Police Station, Phool, District Bathinda.

The genesis of the dispute is an agreement to sell dated 22.7.2015 that was allegedly entered into between the complainant and the present petitioner in respect of a plot. As per agreement, the total sale consideration was Rs.6,85000/- and out of which the complainant being the vendee had paid Rs.3 lacs as earnest money. Allegations are that inspite of the complainant being ready to deliver his part of the obligation, the accused/present petitioner has transferred the plot in the name of his wife.

It has gone uncontroverted that the complainant has already instituted a suit for specific performance on the strength of the agreement to sell dated 22.7.2015.

The complainant is present in person and is duly identified by

H.C Jaswinder Singh.

Learned counsel appearing for the petitioner has furnished a demand draft of Rs.3,70,000/- drawn in the name of the complainant but the complainant has refused to accept the same.

Learned State counsel apprises the Court that in pursuance to the order of interim protection granted to the petitioner, he has already joined the investigation.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 12.7.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.02.2017

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Whether speaking/reasoned:	Yes
Whether Reportable:	No