

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

**Criminal Misc. No. M-22008 of 2017 (O & M)
Date of Decision:-05.12.2017**

Padam Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Ravi Kant Sharma, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

FATEH DEEP SINGH J.(Oral)

The allegations in the second regular bail application qua petitionere Padam Kumar filed under Section 439 Cr.P.C. in case FIR No.149 dated 5.12.2015, under Sections 406, 420 and 120-B IPC, registered at Police Station Barara, are that an agreement to sell was executed on 2.7.2013 between petitioner and complainant Krishan Kumar for the sale of 44 kanal and 10 marlas of agricultural land situated at Village Sohana, Tehsil Barara (Ambala) @ Rs.16,00,000/- per acre having total value of Rs.28,50,000/-, out of which the petitioner alleged to have received Rs.10,00,000/- as earnest money, Rs.6,00,000/- received on 5.7.2013 and Rs.5,00,000/- received on 28.5.2014 totalling Rs.21,00,000/- on different dates and every time when the part amount was paid, the period of

execution of the sale deed was extended, leading to ther present dispute.

The contentions of learned counsel for the petitioner are that it is a pure civil dispute over agreement to sell and that the petitioner is behind the bars since 7.1.2017 and the present FIR has been got registered after expiry of the period of execution of the sale deed as a counter blast to the said incident.

Learned State counsel though has not disputed and displaced the factual scenario but has strongly opposed the grant of bail to the petitioner being responsible for getting the amount from the complainant with dishonest intention.

Appreciating the submissions, the pure and simplicitor allegations that it is after expiry of the date of execution of the agreement to sell, the dispute arose and the present FIR has been lodged, in the light of the fact that it revolves around civil dispute, since nothing is to be recovered from the petitioner and no useful purpose will be served by keeping the petitioner behind the bars and culpability, if any, shall be determined at the time of trial, the present petition stands allowed. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ambala.

The petition stands disposed off accordingly.

December 05, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No