

CRM-M-42610-2017

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

CRM-M-42610-2017

Date of Decision:19.12.2017

Manjit Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rahul Rampal, Advocate,
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner-Manjit Kaur has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.118 dated 14.08.2017, registered at Police Station Jodhan, District Ludhiana, under Sections 406 and 420 of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the allegations in the FIR, the present petitioner entered into an agreement to sell with the complainant for

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a total sale consideration of ₹26 lakhs, out of which ₹10 lakhs were paid as earnest money before the date of execution of the sale deed. However, the present petitioner executed the sale deed in favour of one Gurmeet Singh.

Learned counsel for the petitioner stated that only land measuring 4 kanals has been sold to Gurmeet Singh with the consent of complainant and the complainant is in possession of the remaining land measuring 8 kanals. However, the complainant is neither getting the sale deed executed nor leaving the possession after taking ₹10 lakhs.

It looks that dispute between the parties is regarding the breach of the agreement.

In pursuance of the interim order dated 10.11.2017 passed by this Court, the petitioner has already joined the investigation. She is not required for custodial interrogation. Therefore, no useful purpose will be served by sending her to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 10.11.2017, 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.

19.12.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note: Whether speaking/reasoned
Whether reportable

: Yes
: No