

**202-A**

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

CRM-M No.4265 of 2017

Date of Decision: 19.04.2017

SUKHWINDER SINGH

.....PETITIONER

Vs

STATE OF PUNJAB

.....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Ms. Gurnam Kaur Turka, Advocate  
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Mr. S.S. Tiwana, Advocate  
for the complainant.

\*\*\*\*

**RAJ MOHAN SINGH, J.(Oral)**

On 09.02.2017, following order was passed by this

Court:-

*“Learned counsel for the petitioner contends that agreement to sell was executed on 13.10.2015. An amount of Rs.3,00,000/- was paid as earnest money and possession was duly delivered to the petitioner. The agreement was not honoured by the complainant and a civil suit for symbolic possession by way of specific performance came to be filed at the instance of the petitioner. The suit property was shown to be*

*a vacant plot.*

*Notice of motion for 28.02.2017.*

*In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 14.02.2017 and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions incorporated under Section 438(2) Cr.P.C.”*

Learned State counsel on instructions from ASI Balbir Singh submitted that pursuant to aforesaid order, the petitioners have joined the investigation.

Learned counsel for the complainant submitted that the articles lying in the Bara/plot have not been returned to the complainant so far.

Apparently, both the parties have resorted to civil action before the competent Court.

In view of above, I deem it appropriate to confirm the order dated 09.02.2017.

Ordered accordingly.

April 19, 2017  
jyoti Y.

**(RAJ MOHAN SINGH)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |