

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46483 of 2016

.....

Date of decision:9.2.2017

Guriqbal Singh

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. Rajiv Kataria, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.622 dated 28.11.2014 registered for the offences under Sections 420, 406, 467, 468, 471, 506 and 120-B IPC at Police Station Gharaunda, District Karnal.

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and contested this petition.

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

From the record, I find that in the FIR itself it is clear that the dispute between the parties is regarding the specific performance of the agreement to sell.

Learned State counsel states that the present petitioner had taken ₹2 Crores as earnest money and has not executed the sale deed.

Learned counsel for the petitioner states that the petitioner is even ready to get executed the sale deed. Learned counsel for the petitioner further argued that the petitioner has not filed a suit for specific performance, rather, he has filed a suit for recovery of the amount which was given as earnest money.

A perusal of the record shows that mainly the dispute between the parties is of civil nature and based on documentary evidence. He has already joined the investigation. The petitioner is not required for any custodial interrogation. 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 23.12.2016 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.

February 9, 2017.

(Inderjit Singh)
Judge

hsp

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