

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6056 of 2017 (O&M)

Date of Decision: 17.05.2017

Mahesh Kumar Goyal

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. G.S. Madaan, Advocate for the petitioner.

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

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.180 dated 18.11.2016 under sections 420, 465, 467, 468, 471, 120-B I.P.C, registered at Police Station, Dharmkot, District Moga.

On 23.2.2017, while issuing notice of motion, the following order was passed by this Court:-

“Counsel submits that FIR came to be registered on the complaint of Manpreet Singh. Allegations are that the complainant had entered into an agreement to sell dated 4.7.2008 with co-accused Himmat Singh relating to a parcel of land against total sale consideration of Rs.15,68,000/- approximately. Allegations leveled by the complainant are that the sale deed has not been executed, the earnest money has been misappropriated and a fraud has been committed as a loan that had been taken by the vendor i.e. Himmat Singh, had not been disclosed to the vendee i.e. the complainant.

The precise submission raised by counsel is that even as per version of the complainant the agreement to sell had been entered into with Himmat Singh, the entrustment of earnest money is also to Himmat Singh. Even a suit for

specific performance was filed by the complainant and that has been decreed against Himmat Singh and for which execution proceedings have already been initiated.

Categorically contended that the present petitioner is not a signatory to the agreement to sell and there was no entrustment of money in his favour.

Notice of motion, returnable for 17.5.2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Kewal Singh would apprise the Court that not only has the petitioner joined the investigation but he has also been found to be innocent.

In the light of such stand taken on behalf of the State, present petition is allowed. The order dated 23.2.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.05.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No