

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3255 of 2018**

Jagdeep Singh Khanuja, aged 32 years, S/o. Sanmukh Singh Khanuja,
R/o. R-8/12, Rama Valley, Bodri, P.S. Chakarbhata, Distt. Bilaspur (CG)

---Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station –
Civil Lines, Bilaspur, Distt. Bilaspur (CG)

---Non-Applicant

For Applicant	:	Mrs.Ashta Shukla, Advocate
For Non-applicant	:	Mr.Gary Mukhopadhyay, Govt.Advocate
For Objector	:	Mr.Rajendra Patel, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.954/2017, registered at Police Station-Civil Lines, District-Bilaspur (CG), for the offence punishable under Section 420 of the IPC.

2. Case of the prosecution, in brief, is that the applicant executed agreement to sell in favour of complainant-Jagjeet Singh Chawla on 4.10.2016 and obtained ₹ 80 lakhs as consideration, but thereafter did not execute final sale deed in favour of complainant-Jagjeet Singh Chawla and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that complainant-

Jagjeet Singh Chawla firstly filed civil suit being Civil Suit No.39A/17 (complainant-Jagjeet Singh Chawla v. Jagdeep Singh Khanuja and another) for specific performance of the contract before the District Judge on 2.5.2017 claiming specific performance of the contract in which the applicant has already filed his written statement on 29.1.2018 and thereafter after a delay of more than seven months on 27.12.2017 F.I.R. has been lodged in which the applicant has been arrested. Charge-sheet has been filed on 23.5.2018. The dispute is essentially civil dispute and F.I.R. has been lodged only to put pressure and sale deed could not be registered as some mutation dispute is pending. Therefore, the applicant is entitled to be enlarged on bail.

4. On the other hand, learned counsel for the State and learned counsel for the objector would oppose the bail application and submit that the applicant has not executed sale deed in favour of Jagjeet Singh Chawla and made agreement to sell in favour of Pritam Adwani on 21.6.2016.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, civil dispute is pending between the parties for specific performance of the contract of the land in question, civil suit was instituted firstly on 2.5.2017 and thereafter F.I.R. was lodged as late as on 27.12.2017, charge-sheet has already been filed and the applicant is in jail since more than two months, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on

regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 1,00,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-