

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5360 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 (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Chakarbhata, Bilaspur, Distt. Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Vaibhav Shukla, Advocate
For Respondent	:	Mr. Anil Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

21/08/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 496/2017 registered at Police Station- Chakarbhata (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per prosecution story the applicant had executed one agreement to sell of some immovable property in favour of complainant- Pritam Adwani on 21/06/2016 and obtained Rs. 24 lakhs as consideration, but thereafter did not execute the final sale-deed in favour of the complainant and thereby committed the offence. The applicant was arrested on 04-04-2018.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in crime in

question. It is further submitted that present is a dispute of civil nature and for the same, one civil suit is already pending before the Civil Court. He further submits that in agreement to sell dated 23/02/2018, there were no signature of complainant- Preetam Adwani and the FIR has been lodged only to put pressure on the applicant, therefore, the applicant may be granted benefit of bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that the applicant has not executed sale-deed in favour of Preetam Adwani and he made agreement to sell in favour of another person i.e. Jagdish Singh Chawala, therefore, offence is made out against the present applicant.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering the nature and gravity of the offence. Further considering that a civil dispute is pending between the parties for specific performance of the contract of the land in question and further that in agreement dated 23/02/2018, there is no signature of the complainant, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel

Rahul