

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

CRM-M-1278-2018 (O&M)

Date of Decision:-1.11.2018

Balwinder Singh and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jitender Singh Dadwal, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

Mr. Hardeep Singh, Advocate has put in appearance on behalf of respondent No.2 and has filed power of attorney, which is taken on record.

By way of filing this petition, the petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.93 dated 19.10.2016 under Sections 419, 420, 465, 467, 468, 471 and 120-B of Indian Penal Code, 1860 at Police Station Moti Nagar, District Ludhiana.

The FIR was lodged at the instance of Narinder Kaur, who alleged that she had entered into an agreement with Sukhwinder Singh, Santokh Singh and Kulwinder Singh to purchase a plot measuring 270 Sq. Yds. for a total consideration of ₹ 4 lacs out of which an amount of ₹ 2 lacs was paid as earnest money. However, when she visited the spot, where the plot was situated, it transpired that the plot in question was owned by somebody else and not by the persons, who had entered into the agreement.

The complainant Narinder Kaur had appeared in person in this Court as has been recorded in order dated 15.2.2018 and had stated that an amount of ₹85,000/- is still required to be paid by the petitioners. The said statement had been made as negotiations of compromise had been going on, as would be evident upon perusal of order dated 5.2.2018. At the last date of hearing son of petitioner No.1 had appeared in the Court alongwith a sum of ₹ 50,000/- and had requested for adjournment to arrange for the balance amount of ₹ 35,000/-.

Today, the learned counsel for the petitioners has submitted that the entire amount of ₹ 85,000/- already stands paid.

The learned counsel for the complainant-Narinder Kaur has admitted the factum of compromise and payment of amount of ₹ 85,000/-

The learned State counsel has informed that pursuant to interim directions issued by this Court on 26.9.2018, the petitioners have already joined investigation.

In view of the aforestated position from where it is apparent that the petitioners have compromised the matter with the complainant and have already joined investigation, the present petition is hereby accepted and the interim directions issued by this Court vide order dated 26.9.2018 are hereby made absolute subject to the condition that the petitioners shall appear before the Investigating Officer as and when directed.

The present petition stands accepted accordingly.

1.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No