

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-25322 of 2018

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Date of decision:31.10.2018

Satinder Kaur Mann and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. A.P.S. Deol, Senior Advocate with Mr. Tribhuwan Singla,
Advocate for the petitioners.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

Mr. R.S. Athwal, Advocate for the complainant.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.36 dated 5.4.2018 registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Amloh, District Fatehgarh Sahib.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. R.S. Athwal, learned Advocate appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned State and have gone through the record.

As per the allegations in the FIR, the petitioners entered into an agreement to sell and received ₹1 Crore as earnest money. Though, in the

FIR, it has also been stated that further ₹97 Lakhs have been paid, but the learned senior counsel for the petitioners contested this fact and stated that there is no such document on record to show payment of such a huge amount. The allegations against the petitioners are that they have transferred the property by way of lease deed whereas learned senior counsel for the petitioners stated that no suit for specific performance has been filed. Learned senior counsel for the petitioners further submitted that there is no allegation that the petitioners have forged any document.

The petitioners have already joined the investigation. They are not required for custodial interrogation. The case is based on documentary evidence and the dispute is mainly of civil nature. No useful purpose will be served by sending the petitioners 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 5.7.2018 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners 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.

October 31, 2018.

(Inderjit Singh)
Judge

hsp

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