

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

**CRM-M No.25571 of 2018
Decided on: 20.09.2018**

Monty Saroha

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.268 dated 16.05.2018, registered under Sections 406, 420 and 506 of the Indian Penal Code (in short 'IPC') at Police Station Sadar Sonapat, District Sonapat.

The operative part of the order dated 11.06.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Counsel for the petitioner submits that as per the allegations in the FIR, the petitioner has entered into an agreement to sell dated 10.04.2015 in favour of the complainant regarding 6 kanal and 15 marlas of land and the date for execution of the sale deed was fixed after one month. It is further stated in the FIR that the complainant approached the petitioner on 19.03.2018 for getting the sale deed executed in his favour, however, petitioner refused to get the sale deed registered and on this pretext, the FIR has been lodged.

Counsel for the petitioner further submits that the complainant has not filed any suit for possession by way

of specific performance of the aforesaid agreement to sell and the period of limitation has already lapsed.

Counsel for the petitioner has relied upon 2005 (2) R.C.R.(Criminal) 29, Suresh vs. Mahadevappa Shivappa Danannava and another, where the Hon'ble Supreme Court has held that in case of a dispute arising out of an agreement to sell whether there are no allegation that the accused has acted in fraudulent or dishonest intention at the time of execution of agreement to sell, it is a civil dispute and mere registration of FIR after long lapse of time cannot hold the person guilty of cheating.

Counsel for the petitioner further submits that there is no allegation in the FIR that the petitioner is not the owner of the property at the time of execution of sale or had disposed it of to some other person during subsistence of said agreement to sell.

Notice of motion for 20.09.2018....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 11.06.2018, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State, on instructions from SI Satyanarayan, has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 11.06.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

20.09.2018

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No