

**CRM-M-39544-2018 and
CRM-M-43562-2018**

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

Date of Decision: 12.10.2018

1. CRM-M-39544-2018

Kulwinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-43562-2018

Amar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Simranjeet Singh Sarwara, Advocate for
the petitioners in both the petitions.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

This order shall dispose of CRM-M-39544-2018, filed by petitioner-Kulwinder Kaur and CRM-M-43562-2018, filed by petitioner-Amar Singh, under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.236 dated 28.07.2018, registered at Police Station City Rajpura, District Patiala, under

Section 420 of the Indian Penal Code.

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Notice of motion has been issued in both these petitions. Learned State counsel has put in appearance on behalf of the respondent-State and contested these petitions.

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

From the record, I find that as per the case of prosecution, petitioner-Amar Singh entered into an agreement to sell with the complainant for a sum of ₹8,80,000/-. At that time, the petitioner had received ₹8 lakhs from the complainant and remaining amount of ₹80,000/- was to be paid at the time of execution of sale deed. Perusal of record shows that the agreement was executed on 04.12.2014 and the sale deed was to be executed on 07.05.2015. The present FIR was registered on 28.07.2018 i.e. after a period of more than 03 years of date fixed for execution of sale deed. As per the FIR, this property was sold by petitioner-Amar Singh to one Jasmer Singh later on. There is no allegation against petitioner -Kulwinder Kaur except that she was also with petitioner-Amar Singh.

In pursuance of the interim orders dated 11.09.2018 passed in CRM-M-39544-2018 and dated 03.10.2018 passed in CRM-M-43562-2018 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. The case is based on documentary evidence and looks to the breach of the agreement. Therefore, no useful purpose will be served by sending the petitioners to custody.

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Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The order dated 11.09.2018 passed in CRM-M-39544-2018 and dated 03.10.2018 passed in CRM-M-43562-2018, granting interim bail to the petitioners, are 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.

12.10.2018
parveen kumar

**(INDERJIT SINGH)
JUDGE**

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