

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

CRM-M-42817 of 2018 (O&M)

Decided on:-October 09, 2018.

Jaswant Kaur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Jaideep Verma, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

CRM-35952-2018

The copy of complaint and agreement to sell dated 18.03.2017 are taken on record as Annexures P-5 and P-6 respectively subject to all just exceptions.

CRM stands disposed of.

CRM-M-42817 of 2018

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.176 dated 20.07.2018 under Sections 420 and 120-B IPC and Section 82 of the Registration Act, 1908 registered at Police Station Meharban, District Police Commissionerate Ludhiana.

The aforesaid FIR was registered at the behest of complainant Jasvir Singh against petitioner Jaswant Kaur, her husband Gurnam Singh and

one Joginder Singh Bittu, property dealer as well as Kuldeep Singh @ Vicky, resident of village Galheywal. On 15.03.2017 Joginder Singh Bittu as well as Kuldeep Singh @ Vicky, who is working with the dealer met the complainant and stated that they can arrange a cheap and best house for the complainant. Accordingly, as per the instructions of the property dealer, the complainant entered into an agreement to sell dated 18.03.2017 with petitioner Jaswant Kaur for a property measuring 50.68 square yards situated at village Jagirpur, Tehsil and District Ludhiana. The total sale consideration was fixed at Rs.6,20,000/-. The complainant paid Rs.2,25,000/- as earnest money and an agreement to sell was scribed through the dealer. The petitioner was a signatory along with Kuldeep Singh and Kamal Verma as witnesses. The date for execution of the sale deed was fixed as 20.09.2017. Thereafter, the complainant paid Rs.1,00,000/- to the petitioner and another amount of Rs.1,50,000/- in May, 2017. Another amount of Rs.75,000/- was paid to the petitioner, whereas the remaining amount was to be paid at the time of execution and registration of the sale deed. In this manner, a total sum of Rs.5,50,000/- was given to the petitioner-vendor. Thereafter, it came to the notice of the complainant that the petitioner has transferred the said property in the name of her daughter vide transfer deed Vasika No.8195 dated 25.07.2017. Thus, neither the money has been returned to the complainant nor the sale deed has been executed.

Learned counsel for the petitioner has argued that the complainant has made a false and frivolous complaint. Even otherwise, the dispute is absolutely civil in nature and criminal liability is yet to be determined during the course of trial. The petitioner has joined the

investigation as per order dated 24.08.2018 passed by learned Additional Sessions Judge, Ludhiana. Merely because two or three more FIRs were registered against the petitioner and her husband, learned Additional Sessions Judge, Ludhiana has wrongly dismissed the application for anticipatory bail of the petitioner vide order dated 10.09.2018.

Having heard learned counsel for the petitioner, this Court finds that it is on the basis of agreement to sell dated 18.03.2017, the complainant has paid a sum of Rs.5,50,000/- to the petitioner at four different stages against the settled amount of Rs.6,20,000/-. Interestingly, after execution of the agreement to sell dated 18.03.2017, the petitioner has transferred the said property in the name of her daughter on 25.07.2017, after receiving the substantial amount from the complainant.

Even otherwise, the order dated 10.09.2018 passed by learned Additional Sessions Judge, Ludhiana shows that two/three more FIRs have already been registered against the petitioner and her husband. Thus, this Court finds that the conduct of the petitioner does not entitle her to be enlarged on anticipatory bail.

Accordingly, the present petition, being devoid of any merit, is dismissed.

September 09, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No