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

CRM-M No.4540 of 2018

Date of Decision: 21.03.2018

Jhalman Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sarika Gupta, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

On 05.02.2018, following order was passed:-

“By referring to clause in the agreement to sell dated 14.06.2016, learned counsel for the petitioner contends that the entire controversy is having civil profile for which lawful remedy was to file a suit for specific performance. No such suit has been filed till date.

Notice of motion for 21.03.2018.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer on 09.02.2018 at 11.00 A.M. to join investigation and in the event of his arrest, he shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer.

However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State Counsel on instructions from ASI Bikram Singh submits that the petitioner has joined the investigation on 09.02.2018, but in view of allegations on record, he has cheated the complainant in crores of rupees.

Father of the petitioner executed agreement to sell on 14.06.2016 with Missionaries of Jesus, Aradhana Bhawan 27 Mall Road, Jalandhar Cantt. The target date was fixed for registration of sale deed as 10.08.2016 and the said date was extended from time to time. Non-performance of the agreement would give rise to civil consequences in favour of the complainant for filing a suit for specific performance.

Apparently, no civil suit for specific performance has been filed so far.

Since, the petitioner has joined the investigation, at this stage, without meaning anything on the ultimate merits of the case, I deem it appropriate to confirm the interim order dated 05.02.2018. Ordered accordingly.

March 21, 2018

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No