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CRM-M-6832-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-8468-2019 in/and
CRM-M-6832-2019
Date of Decision: 15.03.2019

Arvinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. P.P.S. Duggall, Advocate for applicant-petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Naresh Gopal Sharma, Advocate
for the complainant.

...

Inderjit Singh, J. (Oral)

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Application is allowed, subject to all just exceptions.

Document is taken on record.

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Petitioner Arvinder Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0214 dated 07.08.2018, registered at Police Station Derabassi, District SAS Nagar, Mohali, under Sections 406 and 420 of the Indian Penal Code.

Notice of motion was issued.

Learned State counsel and counsel for the complainant have
appeared and contested this petition.

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

From the record, I find that the present FIR has been got registered by complainant Sanjiv Kumar against the present petitioner and other co-accused on the basis of allegation that on 19.09.2011, an agreement to sell was entered into between the complainant and the petitioner and total sale consideration of ₹20,53,800/- was paid. Now the present petitioner has refused to get executed the sale deed, rather the present petitioner has executed the sale deed regarding the plot in favour of Hema Bansal and Sherry Bansal. The FIR in the present case has been registered on 07.08.2018, whereas the complainant states that the full sale consideration was paid on 19.09.2011. During the said period, no suit for specific performance was filed nor the sale deed was got registered.

In pursuance of the interim order dated 21.02.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. This case is based on documentary evidence. No useful purpose would be served by sending him to custody.

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 this petition and the same is allowed. The order dated 21.02.2019, granting interim bail to the petitioner, is made absolute. However, the petitioner 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.

However, it is made clear that any observation made

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of the case.

15.03.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No