

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-16906-2019(O & M)
Date of Decision: 28.05.2019**

AMIT KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Saurabh Kapoor, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking anticipatory bail in FIR No.0065 dated 21.03.2019 under Section 420 of the Indian Penal Code registered at Police Station Focal Point, District Ludhiana.

Learned counsel for the petitioner contends that the allegations against the petitioner in the FIR are that he had taken earnest money while entering into agreement to sell allegedly executed on 16.04.2018 in respect of an industrial plot measuring 700 sq. yards including the factory of the petitioner but he had withheld the factum of the property having been taken over by the bank on 31.10.2016. He, however, contends that the property had been taken over by the bank in the year 2016 itself in terms of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, which was in the knowledge of the complainant. The complainant has also purchased the same property in auction from the bank on

31.01.2019. The complainant did not file any suit for specific performance, but a civil suit has been filed by the petitioner for a declaration of the agreement to sell as null and void. This agreement is in fact undated. Learned counsel further contends that the petitioner is not involved in any other case of similar nature. The co-accused have already been granted concession of anticipatory bail by the trial Court.

This Court, by the order dated 12.04.2019, had directed the petitioner to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was ordered to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from HC Anil Kumar, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 12.04.2019 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 28, 2019
A.Kaundal

Whether speaking/ reasoned:	Yes/No
Whether Reportable :	Yes/No