

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

CRM No.M-18306 of 2019 (O&M)

Date of Decision: May 29, 2019

Balbir Kaur

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rajneesh Madhok, Advocate
for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent-State.

Mr.Balram Singh, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0012 dated 24.02.2019 under Section 420 IPC, registered at Police Station Rawalpindi, District Kapurthala.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

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

The perusal of the record shows that present petitioner entered into agreement to sell with the complainant and the sale deed was to be

not executing the sale deed, rather, she has sold the property to someone else.

At the time of arguments, learned counsel for the petitioner argued that it is the complainant, who committed breach of contract. He further argued that sale deed was to be executed on 15.11.2014 and FIR has been got registered on 24.02.2019 i.e. after a long unexplained delay.

Learned counsel for the complainant argued that civil suit for recover of earnest money has already been filed in the year 2017.

It is admitted by the parties that sale deed in favour of one Geeta was executed on 15.07.2015 by the petitioner, after the lapse of the period regarding execution of sale deed in the present case.

The petitioner has already joined the investigation. She is not required for custodial interrogation. Nothing is to be recovered from her. The case is based on documentary evidence. No useful purpose will be served by sending and keeping the petitioner in custody till the disposal of the case.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 25.04.2019 granting interim bail to the petitioner, is made absolute.

May 29, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No