

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20275-2019

Date of Decision: 22.08.2019

Ashwani Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjay Kumar, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Onkar Rai, Advocate for the complainant.

...

Inderjit Singh, J. (Oral)

Petitioner Ashwani Kumar has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.14 dated 12.02.2019, registered at Police Station Naya Gaon, District S.A.S. 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.

The FIR in the present case has been got registered by complainant Gurinder Singh Chauhan on the allegations that he entered into an agreement to sell regarding land measuring 62 Sq.Yds. with the present petitioner. He had paid ₹1,50,000/- in cash at the time of agreement to sell and ₹4,50,000/- in cash on 20.07.2015. The sale deed was to be executed

on 10.10.2015, but neither the petitioner had got executed/registered the sale deed nor he had returned the amount. Thereafter, he made an enquiry and the land was found in the name of some Harbhajan Singh Kahlon. It is admitted that no civil suit has been filed for specific performance of the agreement nor for recovery of the amount for the last more than 3 years.

In pursuance of the interim order dated 06.05.2019, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. The 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 06.05.2019, 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.

22.08.2019
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No