

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

**CRM-M No. 21835 of 2019
Decided on: 24.09.2019**

Naib Singh and others

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vikas Thakur, Advocate for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Vivek Singla, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.248 dated 09.12.2016, registered under Sections 406, 420, 120-B IPC at Police Station Dera Bassi, District S.A.S. Nagar.

The operative part of the order dated 17.05.2019, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Learned counsel for the petitioners submits that as per the allegations in the FIR, the petitioners have entered into an agreement to sell with the complainant who is a property dealer and wanted to sell the property further to a third party.

Learned counsel for the petitioners further submits that the deal was for seven acres of land @ Rs.50 Lakh per acre and the petitioners have received earnest money of Rs.35 Lakh. It is further submitted that the only allegation in the FIR is that there was a loan taken on the land and this fact was not disclosed to the complainant.

Learned counsel for the petitioners further submits

that in the Jamabadis from the year 2005 onwards, there was an acknowledgment made by the revenue officials that there is a loan on the property, therefore, at the time when the agreement to sell was executed and the Jamabandis were given to the complainant, it was very well within the knowledge of the complainant that there was a loan, which was to be cleared prior to the execution of the sale deed, out of the amount to be received by the petitioner as sale consideration.

Learned counsel for the petitioners further submits that in fact the petitioners are ready to perform his part of the agreement to sell the land, however, it is the complainant who is not ready and willing to perform the agreement to sell as he has no money ready with him and, therefore, this FIR has been registered by him.

List again on 31.07.2019....”

Counsel for the petitioners has submitted that, in pursuance to the order dated 17.05.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from ASI Amarjit Singh, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 17.05.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

24.09.2019

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No