

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

208

**CRM-M-23673-2019 (O&M)  
Date of Order: 25.09.2019**

**Amar Chand alias Bhanga**

**..Petitioner**

**Versus**

**State of Haryana**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. B.S.Tewatia, Advocate, for the petitioner.  
Mr. Manish Bansal, DAG, Haryana  
Mr. Gian Chand Shahpuri, Advocate, for the complainant.

**ANIL KSHETARPAL, J(Oral)**

On 23.05.2019, following order was passed:-

*“Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that out of the alleged payment of Rs.5lakhs, he has not received even a single penny.*

*Notice of motion for 25.09.2019.*

*Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”*

Learned State counsel, on instructions from ASI Sangeet Singh, has submitted that the petitioner in this case has joined the investigation, cooperated and not required for further custodial interrogation. However, the amount allegedly paid as earnest money under the agreement to sell has not been refunded.

As per the case of the prosecution, petitioner had executed an agreement to sell and received a sum of Rs.5,00,000/- but failed to perform his part of the contractual obligation.

The criminal proceeding is not for the purpose of recovery. Remedy for the first informant is to file civil suit. In any case, it is yet to be established as to whether the petitioner had committed any criminal offence or not?

Without commenting on merits, the order dated 23.05.2019 is made absolute.

Accordingly, the present petition is allowed.

**September 25, 2019**  
**nt**

**(ANIL KSHETARPAL)**  
**JUDGE**

|                           |          |
|---------------------------|----------|
| Whether speaking/reasoned | : Yes/No |
| Whether reportable        | : Yes/No |