

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

CRM-M-23932-2019 (O&M)

Date of decision : 16.07.2019

Mukesh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S. Jammu, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Gurdarshan S. Sidhu, Advocate for the complainant.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant anticipatory bail to the petitioner in FIR No.583 dated 23.06.2018 registered under Section 420 of IPC at Police Station City, Sirsa, District Sirsa.

Learned counsel for the State, on instructions from ASI Lekh Raj, has submitted that the petitioner has joined investigation and he is not required for further custodial interrogation. However, he submits that the amount of earnest money is still to be recovered from the petitioner.

Allegations in the present case are with respect to non-performance of the agreement to sell by the intended vendor and subsequent sale deed executed by him. As per the agreement to sell, sale deed was to be executed and registered on 30.03.2016 whereas the sale deed executed by

the intended vendor in favour of other co-accused is dated 21.04.2016. Although, it is case of the First Informant that the date for performance of the agreement to sell was extended to 15.06.2016, however, the same is denied by the petitioner. This fact is still to be examined by the Court.

Undisputedly, civil suit for specific performance of the agreement to sell dated 25.04.2015 has been filed on 15.05.2019.

Keeping in view the aforesaid facts, order dated 24.05.2019 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

16.07.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No