

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

CRM-M-27240-2019
Date of decision: 19.07.2019

Sahab Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

Mr. Sukhvir Singh Sahu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 62 dated 20.03.2019, registered under Sections 406, 420, 467, 468, 471 and 201 of the IPC at Police Station Adampur, District Hisar.

Learned counsel for the petitioner submits that in pursuance to the order dated 24.06.2019, the petitioner has joined investigation and he is not required for any further investigation.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, got registered by complainant Sudhir Kumar against 11 persons wherein petitioner Sahab Singh is named at Sr. No. 9, it is stated that on 13.10.2018, he had signed an agreement to sell with accused Nos. 1 to 5 for the sale of 123 Kanal 16 Marlas of land and paid an amount of Rs. 4 Lakh as token money. The date of registry was fixed as 13.12.2018 and the seller had authorized the complainant to sign the

agreement to sell with a third party. On 15.10.2018, another agreement to sell was entered into with accused Nos. 6 to 8 through accused No. 9 i.e. petitioner Sahab Singh and payment was made to accused Nos. 1 to 5 through cheques including the profit money. It is further stated that later on, the petitioner, accused No. 10 Ashok Patwari and accused No. 11 Satbir, in connivance with accused Nos. 1 to 8, prepared another agreement to sell on 16.10.2018, which was signed by accused Nos. 1 to 5/seller party, with accused Nos. 6 to 8/purchaser party and the complainant was taken in confidence that he will be given his commission of Rs. 14 Lakh but accused persons usurped his profit money and even the petitioner faked signatures of one of the purchasers namely Om Parkash.

Learned counsel for the petitioner submitted that as per FIR, primarily it is a money dispute between the petitioner and the complainant regarding sharing of profit/commission, who are the property dealers, as both of them were trying to get a deal for the sale of the land of accused Nos. 1 to 5/seller party, in which, the petitioner succeeded in getting the land sold to accused Nos. 6 to 8/purchaser party and has taken the profit money.

Learned counsel for the petitioner further submitted that the petitioner is neither a beneficiary nor is signatory of any document, rather, complainant is the witness to the agreement to sell executed in favour of accused Nos. 6 to 8 and, therefore, the FIR has been registered with an ill motive just to frame the accused persons.

Learned counsel for the petitioner further submitted that accused Nos. 1 to 8 have already been granted concession of anticipatory bail.

Learned counsel for the State, on instructions from ASI Sahib Singh, has submitted that though the petitioner has joined investigation, however, agreement to sell is not yet recovered. However, the Investigating Officer could not give any satisfactory reply regarding necessity of the agreement to sell once the sale deed is executed.

Learned counsel for the complainant has opposed the prayer of the petitioner on the ground that complainant has to recover his commission from the accused persons.

After hearing learned counsel for the parties, considering the fact that accused Nos. 1 to 8, who are the sellers and purchasers, have already been granted concession of anticipatory bail; the petitioner has not signed any document nor has received any amount from the complainant and also considering the fact that complainant himself is the signatory to some of the documents, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 24.06.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

19.07.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No