

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

CRM-M-29084-2019(O&M)

Date of Order:11.07.2019

Gagan Sharma

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.C.Shahpuri, Advocate,
for the petitioner.

ANIL KSHETARPAL, J(Oral)

Petitioner prays for grant of anticipatory bail in FIR No.615, dated 01.06.2019, registered under Sections 406/420/506 IPC, at Police Station City Jagadhri, District Yamuna Nagar.

Learned counsel for the petitioner contends that the present FIR has been registered after a period of 3 years and the dispute between the parties is of civil nature, whereas converted into a criminal offence. He further submits that the entire dispute is arising out of an agreement to sell, execution whereof is denied by the petitioner.

With the able assistance of learned counsel for the petitioner, this court has carefully read the contents of the FIR. It is apparent that as per the allegation in the FIR, the petitioner and his wife, who were owners of the house, had agreed to sell a constructed house vide agreement to sell dated 27.01.2016 for a consideration of Rs.7,00,000/- which was paid in entirety and possession was delivered. It has further been alleged that, thereafter, the property has been sold to accused no.4 Seema Kalyan and, thus, cheating and fraud has been committed with the petitioner.

Keeping in view the serious allegations made in the FIR, this is

not a simpliciter case of non-performance of promise made in the agreement to sell. Under the agreement to sell the entire payment has been made and possession was delivered.

In such circumstances, the dispute cannot be said to be of entirely civil nature. Police is proceeding with the investigation and as per the stand taken by the prosecuting agency before the learned Additional Sessions Judge, custodial interrogation of the petitioner is required.

Keeping in view the aforesaid facts, there is no ground to grant anticipatory bail to the petitioner. However, observation made in the order shall not be construed as expression of opinion on the merits of the case.

Dismissed.

July 11, 2019
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(ANIL KSHETARPAL)
JUDGE

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