

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

**CRM-M No. 45165 of 2019
Date of Decision:-29.10.2019**

Lokesh Kumar

...Petitioner

Versus

State of UT Chandigarh and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, APP for UT Chandigarh.

MANOJ BAJAJ J.(Oral)

Petitioner-Lokesh Kumar has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 209 dated 06.7.2019, under Sections 420 and 120-B IPC (later on Sections 467, 468, 471 and 201 IPC added), registered at Police Station Sector 17, Chandigarh. The petitioner is in custody since his arrest on 14.8.2019.

The FIR was lodged on the basis of complaint given by Gurmit Kaur, wherein it was alleged that she intended to purchase a property in Chandigarh and, therefore, she came in contact with one Lokesh Kumar (petitioner), proprietor of M/s Dev Associates, who informed that he had entered into an agreement to sell dated 15.10.2017 with R.L. Puri, owner of

house No.159, Sector 18-A, Chandigarh and after execution of the sale deed in his favour, he would execute the sale deed in favour of complainant. The sale price of the property was fixed at Rs.5,95,00,000/-. According to complainant, it was represented that sale deed by R.L. Puri was to be executed on or before 04.4.2018. An agreement to sell dated 21.11.2017 was executed between complainant and Lokesh Kumar and the sale deed was to be executed on 26.3.2018. Pursuant to the said agreement, a sum of Rs.2,67,00,000/- was paid as earnest money by the complainant. Despite the extension of time, the sale deed was not executed. On these broad allegations, the FIR was registered.

Learned counsel for the petitioner contends that since the sale deed was not executed in his favour by R.L. Puri, therefore, he further could not execute the sale deed. According to him everything was brought to the notice of the complainant that the title was yet to be acquired by the accused and, therefore, it cannot be said that petitioner has cheated the complainant. He submits that investigation of the case is complete, challan has also been filed and the dispute is of civil nature.

On the other hand, learned counsel for the UT Chandigarh has opposed the prayer. However, it is not disputed that the final report stands submitted and charges have also been framed.

After hearing learned counsel for the parties, this Court finds that the offences are triable by Magistrate and trial of the case is likely to consume considerable time, therefore, keeping in view the custodial period of the petitioner, his further custody may not be justified. Resultantly,

without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Chandigarh.

The petition is allowed.

October 29, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No