

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M No.5437 of 2020

Date of Decision: November 11, 2020

Ajay Goel and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CRM-M No.5489 of 2020

Sanjeev Kumar Bindal

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR JUSTICE VIVEK PURI

Present: Mr. Gaurav Chopra, Advocate for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. S.K. Jain, Advocate for the complainant.

VIVEK PURI, J. (Oral)

Case has been taken up through video conferencing due to the
COVID-19, Pandemic.

On 07.02.2020, the following order was passed:-

*“Mr. S.K.Jain, Advocate has put in appearance on behalf of the
complainant and filed his memo of appearance.*

*The controversy between the parties is with regard to the sale
transaction of the property agreed to be sold by virtue of four sale
deeds. Three sale deeds have already been executed.*

*It has been stated by the learned counsel for the petitioners that
with regard to the third sale deed dated 31.05.2019, the amount of
about Rs. 1.56 crores is due, which is payable to the complainant. The
petitioners are ready and willing to pay the abovesaid amount by*

31.03.2020 to the complainant as per terms and conditions mentioned in the settlement deed.

It has been further stated by the learned counsel for the petitioners that the sale consideration with regard to the earlier two sale deeds dated 18.05.2018 and 13.06.2018 has already been paid and three cheques which have been issued with regard to sale consideration of the third sale deed and dishonoured, the complainant is already seeking legal remedy, as per provisions of 138 of Negotiable Instruments Act.

It has been pointed out by the learned counsel for the complainant that even the complainant is willing to settle the dispute but has stated that in addition to a sum of about Rs. 1.56 crores with regard to the third sale deed and another amount of about Rs. 1.75 lacs is also due payable with regard to the earlier two sale deeds and the same has already been reflected in the settlement deed.

It has been further stated by the learned counsel for the petitioners that a sum of Rs. 50 lacs shall be paid to the complainant by way of demand draft by the next date of hearing.

It is clarified that amount being offered to pay is only for the purpose of showing bonafide intention of the petitioner to settle the dispute and does not in any manner is to be construed as observation with respect to the claim of petitioner to the effect that outstanding amount is only to the tune of about Rs. 1.56 crores.

Notice of motion for 28.02.2020.

Meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

A photocopy of this order be placed on the file of other connected case”

Learned State counsel, on instructions from ASI Baljinder Singh, pointed out that the petitioners have joined the investigation and their custodial interrogation is not required.

However, learned counsel for the complainant has opposed the bail application on the score that the petitioners had undertaken to pay an amount of Rs.1.56 crores but only Rs.50 lacs has been paid in pursuance of the order dated 07.02.2020.

Faced with this situation, it has been pointed out by learned counsel for the petitioners that the amount with regard to the three sale deeds has already been paid and the fourth sale deed was to be executed for a sum of Rs.2.95 crores and amount of Rs.1.25 crores has been already paid as earnest money but the sale deed has not been executed. The said amount has been paid besides the amount of Rs.50 lacs aforesaid.

In the instant case, the controversy between the parties primarily appears to be civil in nature and civil proceedings between the parties are also pending. The pecuniary liability, if any, is to be adjudicated during the course of the said proceedings. Suffice it to say that an amount of Rs.50 lacs as undertaken has been paid, the petitioners have joined the investigation and as per the instructions received by learned State counsel, custodial interrogation of the petitioners is not required. As such, sufficient exceptional circumstances are made out to extend concession of pre-arrest bail.

In view of the above, the interim bail granted to the petitioners vide order dated 07.02.2020, is hereby made absolute.

(VIVEK PURI)
JUDGE

November 11, 2020
sonia arora

Whether speaking/reasoned :	Yes/No
Whether Reportable :	Yes/No