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

**CRM-M No.7119 of 2020
Date of Decision: 24.02.2020**

Palwinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. S.P. Soi, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.48 dated 25.05.2019 registered under Sections 406, 420 IPC at Police Station Lambra, District Jalandar.

As per allegations in the FIR, an agreement to sell was executed between the petitioner and complainant Jagjit Singh on 23.11.2016 in respect of 10 kanals 11 marlas of land @ Rs.15,00,000/- per acre. An amount of Rs.7,00,000/- was paid

as earnest money. The target date for execution and registration of sale deed was fixed as 15.10.2016. The target date was extended upto 16.02.2017 with the concurrence of the parties. In the meanwhile, before expiry of the date of execution and registration of sale deed, the petitioner further entered into an agreement to sell with one Pargan Singh in respect of land in question and also received an amount of Rs.20,05,000/- from him. The date for execution of sale deed was fixed as 26.05.2017. Pargan Singh has also filed a suit for specific performance on the basis of aforesaid agreement to sell dated 26.05.2016. Now the complainant has also filed a suit for specific performance on 05.02.2020.

The anticipatory bail of the petitioner was dismissed as withdrawn on 21.01.2020 with a liberty to the petitioner to surrender before the Illaqa Magistrate and seek regular bail in accordance with law. Petitioner has surrendered on 27.01.2020 and is in judicial custody.

Learned State counsel on instructions from ASI Baldev Singh states that the challan is ready to be presented before the competent Court and the petitioner is in judicial custody.

Learned counsel for the complainant however opposed the prayer for grant of regular bail on the ground that the petitioner has surrendered only on 27.01.2020.

At this stage, without forming any opinion on merits of the case, the petitioner is directed to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

24.02.2020
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(RAJ MOHAN SINGH)
JUDGE

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