

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

(207)

CRM-M-9188-2020

Date of decision: 13.03.2020

Davinder Kumar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kamaljeet S. Mamrat, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Ms. Savita Sisodia, Advocate
for the complainant.

...

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.96 dated 21.11.2019 under Sections 406, 420, 465, 467, 468, 471 and 120B IPC, registered at Police Station Naya Gaon, District SAS Nagar. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner contends that the allegations relate to the alleged breach of agreement to sell dated 31.08.2012, allegedly entered into between the parties. He further submits that the dispute, if any, is purely of civil nature and the FIR has been lodged after the long delay of approximately seven years, i.e., in the year, November 2019.

Learned counsel appearing for the complainant opposed the prayer on the ground that the amount was received by the petitioner along with co-accused Aslam Khan. She further submits that the amount was paid in instalments. However, she does not dispute that the suit for injunction was also filed by the petitioner, which is pending.

Considering the above facts, this Court is of the opinion that the case of the prosecution is based on the documentary material and the parties are already before the Civil Court, therefore, the custodial interrogation of the petitioner may not be necessary. Resultantly, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438 (2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

Petition is allowed.

(MANOJ BAJAJ)
JUDGE

13.03.2020

Pardeep

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No