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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11990-2020 (O&M)
Date of decision: 22.7.2020

Surjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Divjyot Singh Sandhu, Advocate, for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General, Punjab.

Mr. Puneet Sharma, Advocate, for the complainant.

NIRMALJIT KAUR, J. (Oral)

Learned counsel for the State does not dispute that the petitioner has since been joined the investigation in pursuance to the order dated 6.5.2020.

Learned counsel for the complainant, however, vehemently opposing the anticipatory bail submitted that the petitioner has not only cheated him but also entered into an agreement to sell with somebody else, to which learned counsel for the petitioner has clarified that the said agreement to sell was never executed and was long cancelled.

Be that as it may, the complainant had entered into an agreement to sell with the petitioner with open eyes knowing fully well that the property was mortgaged. Hence, the failure of the petitioner to release the property for mortgage cannot be termed as an offence under Section 420 IPC. Moreover, the complainant has already filed a suit for specific performance.

Learned counsel for the State at this stage submitted that although the petitioner has joined the investigation but no recovery has been effected, whereas, the question of recovery does not arise as a suit for specific performance has already been filed.

In view of the above, the petition is allowed and the order dated 6.5.2020 is made absolute.

(NIRMALJIT KAUR)
JUDGE

22.7.2020
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No