

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

CRM-M-13355-2020

Date of Decision : 11.08.2020

Karambir Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

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

Mr.A.S.Sandhu, Addl.AG, Punjab.

Mr.Sandeep Jasuja, Advocate
for the complainant.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Matter has been taken up through Video Conferencing via
Webex facility in the light of the COVID-19 situation and as per
instructions.

This order shall dispose of the instant petition filed under
Section 438 Cr.P.C. seeking concession of anticipatory bail to the
petitioner in FIR No.36 dated 28.02.2020 under Sections 420/120-B
IPC, registered at Police Station City-1, Abohar. District Fazilka.

While issuing notice of motion the following order was
passed by this Court on 01.06.2020 :-

“The matter has been taken up by way of Video
Conferencing through Webex application in view of Covid-19
situation as per instructions issued.

Counsel for the petitioner inter alia contends that the
agreement to sell was dated 29.07.2016 of over 16 kanals of land for

Rs.21,00,000/-, out of which, Rs.20,00,000/- was paid by the complainant to the father of the petitioner namely Gurnam Singh. The same had to be executed by 31.03.2017 and land was sold by the father to co-accused Manjit Kaur and Krishna Rani on 09.01.2018, who are not related as such. The complaint was lodged with the police on 05.08.2019 and the FIR was registered only on 28.02.2020. The petitioner's father has transferred a different patch of land as such in favour of the petitioner measuring 80 kanals and, therefore, the petitioner was not signatory to the agreement to sell and, thus, in no way connected as such. Thus, the criminal proceedings are to overcome lack of any civil proceedings filed to enforce the agreement to sell. It is pointed out that the anticipatory bail application of the father of the petitioner is pending before the Sessions Court.

Notice of motion.

Mr. Gaurav Dhuriwala, Sr. DAG, Punjab accepts notice and prima facie is not in a position to controvert the above said arguments.

Adjourned to 11.08.2020.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.”

Learned State counsel informs the court that the petitioner has since joined investigation. That apart, the observations made by this Court in the notice of motion order have gone un rebutted.

In view of the above, petition is allowed. Order dated

01.06.2020 passed by this Court is made absolute.

11.08.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No