

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

CRM-M- 21463 of 2020

Date of Decision : August 04, 2020

Surinder Kumar

..... PETITIONER(S)

VERSUS

State of Punjab

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Dinesh Mahajan, Advocate, for the petitioner.
 Mr. H.S. Sullar, Deputy Advocate General, Punjab.

...

Sanjay Kumar, J.

The petitioner is one of the accused in FIR No. 113 dated 11.07.2020 on the file of Police Station Division No.1, Pathankot, District Pathankot, registered under Sections 406, 417, 420 and 120-B IPC. By way of this petition, he seeks grant of anticipatory bail.

As per the complainant, she was led to believe that the sister of the petitioner was desirous of selling her house and in that context, she handed over a sum of ₹ 1,50,000/- to the petitioner. The total sale consideration was stated to be ₹ 3 lakh. The complainant alleged that the sister of the petitioner thereafter denied having executed any agreement of sale and that a fraud had been committed upon her.

Both the co-accused of the petitioner, viz., his wife and sister,

have been granted pre-arrest bail by the jurisdictional Sessions Court.

The allegations levelled by the complainant require examination by the police. The offences alleged against the petitioner would not entail imprisonment in excess of 7 years even if he is found guilty. This Court is therefore of the opinion that he would be entitled to relief in terms of the law laid down by the Supreme Court in **Arnesh Kumar v/s. State of Bihar and another** [2014 (8) SCC 273].

The petition is accordingly allowed. The petitioner shall forthwith join investigation in FIR No. 113 dated 11.07.2020 on the file of Police Station Division No.1, Pathankot, District Pathankot. In the event of his arrest in connection with this FIR, the petitioner shall be enlarged on bail upon furnishing a personal bond for a sum of ₹ 1 lakh along with a surety for a like sum to the satisfaction of the Arresting/Investigating Officer. In such an event, the petitioner shall also abide by the conditions prescribed in Section 438(2) Cr.P.C.

August 04, 2020
Kang

(Sanjay Kumar)
Judge

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