

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

**CRM-M-51623-2018
Date of decision: 13.01.2020**

Karninder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. P. S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G. S. Madaan, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 129 dated 05.08.2008, under Sections 406, 420, 120-B of the IPC, registered at Police Station Navi Baradari, District Jalandhar.

While granting interim bail to the petitioner, the following order was passed on 22.11.2018:

“Learned counsel for the petitioner submits that as per allegations in the FIR, the complainant is owner of a shop, as per sale deed dated 19.12.2012 and thereafter, petitioner Karninder Singh along with co-accused Parbhjot Singh approached the complainant for purchasing the said shop and agreement to sell was executed on 07.09.2017 for a sum of Rs.1.07 crores and the stipulated date for execution of the sale deed was fixed. It is further submitted that thereafter, the date was extended as the sale deed could not be executed on

account of some dispute about khasra number mentioned in the sale deed dated 19.12.2012. Learned counsel further submits that the petitioner is ready to execute the sale deed on making the payment of balance sale consideration subject to the condition that the complainant will demonstrate that he has clear title over the khasra number, proposed to be sold to the petitioner. Notice of motion. At this stage, Mr. Sandeep Arora, Advocate has appeared on behalf of the complainant and has submitted that even the complainant is ready to execute the sale deed on receiving the balance sale consideration. It is further submitted that there is no dispute regarding the title. List again on 12.02.2019. In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:- 1. He shall make himself available for interrogation by a police officer as and when required; 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. He shall not leave India without previous permission of the Court. In the meantime, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 03.12.2018. The complainant will bring the documents of clear title on the date fixed before the Mediation and Conciliation Centre, for the purpose of execution of the sale deed. ”

Thereafter, the case was referred to Mediation and Conciliation Centre of this Court, however, no amicable settlement could be arrived at between the parties. Thereafter, vide order dated 29.10.2019, it was

observed that the Investigating Officer will find out if the shop can easily be identified by the municipal numbers as well as by giving the description of its four boundaries and learned counsel for the petitioner was granted time to seek instructions as when the parties can appear before the Registrar for execution of the sale deed, however, again an objection was raised by learned counsel for the petitioner that it is not possible. Accordingly, vide order 20.11.2019, Tehsildar, Patwari and the Executive Officer of the Municipal Council, Jalandhar were directed to remain present in Court on the next date along with the original record to find out if the sale deed can be executed.

On 11.12.2019, learned State counsel, on instructions from Naib Tehsildar Vijay Kumar, who was present in Court, submitted that after giving a pucca point, the demarcation of the property will be done again in order to find out a solution if the sale deed can be executed by giving boundaries of the shop.

Today, learned State counsel, on instructions from Naib Tehsildar Vijay Kumar, who is present in Court, has filed an affidavit, according to which, the sale deed can be executed.

However, learned counsel for the petitioner seeks some time to verify the aforesaid fact.

Despite the efforts made by this Court to settle the dispute amicably, it appears that the petitioner is now trying to back out and, therefore, this petition is disposed of with a clear direction that interim order dated 22.11.2018 shall remain operative in favour of the petitioner till 02.03.2020 and in the meantime, the parties will appear before the Sub-

Registrar on 30.01.2020 for execution of sale deed on payment of balance sale consideration, or any other date to be fixed by the Sub-Registrar for this purpose.

It is made clear that if the petitioner fails to do the needful, this petition shall be dismissed without any further order.

13.01.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>