

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

CRM-M-34508-2019

Date of decision-12.02.2020

Randeep Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Manish Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. N.S.Dadwal, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioner-Randeep Singh has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.70 dated 12.07.2019 registered under Sections 420, 406 and 506 of Indian Penal Code, 1860 at Police Station Hathur, District Ludhiana Rural. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

According to learned counsel for the petitioner, the petitioner executed the agreement to sell dated 14.02.2017 with the complainant, namely, Jagraj Singh and received the total sale consideration. The property in question was owned by the father of the petitioner and the petitioner expressed his willingness to either execute the sale deed or refund the amount of sale consideration. On 26.08.2019, the following order was passed:-

“Learned counsel for the petitioner contends that the FIR contains the allegations of alleged breach of agreement to sell dated 14.02.2017 and the dispute is purely of civil nature. It is further pointed out that as per the complainant himself, entire sale consideration stands paid. However, the sale deed could not be executed as the owner of the property was not well. He submits that the petitioner executed the agreement to sell on behalf of his father who is ready to either execute the sale deed or return the sale consideration.

Notice of motion for 16.12.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Thereafter, the case was taken up on 16.12.2019 and counsel for the petitioner sought time for seeking instructions as to when the sale deed can be executed. The said order reads as under:-

“Learned counsel for the petitioner contends that in compliance of the order dated 26.08.2019, he has joined the investigation. Learned State counsel does not dispute this fact who is instructed by ASI Hamir Singh.

At this stage, learned counsel for the complainant contends that the petitioner be directed to execute the sale deed as undertaken by him before this Court on 26.08.2019 when the interim concession was extended.

Learned counsel for the petitioner submits that the sale deed is to be executed by his father who is in Canada. He prays for time to seek instructions as to when the sale deed can be executed.

At request, adjourned to 12.02.2020.”

Today, learned counsel for the petitioner submits that his father is confined to bed and is unable to travel from Canada to India. He submits his inability to give a time frame for execution of the sale deed. At the same time, he has expressed his inability to return the amount received as sale

consideration from the complainant.

Considering the background of the case and the conduct of the petitioner, this Court does not find it to be a fit case for grant of pre-arrest bail to the petitioner.

Resultantly, petition is dismissed.

(MANOJ BAJAJ)
JUDGE

12.02.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No