

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

**CRM-M No.34411 of 2019(O&M)
Date of Decision: 21.01.2020**

Palwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. J.S. Lalli, Advocate
for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. S.P. Soi, Advocate,
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer is for grant of anticipatory bail in case bearing FIR No.48 dated 25.05.2019 registered under Sections 406, 420 IPC at Police Station Lambra, District Jalandhar.

[2]. An agreement to sell was executed between the petitioner and the complainant Jagjit Singh on 23.11.2015 in respect of 11 kanals 10 marlas of land for a total sale consideration of Rs.50,00,000/-. An amount of Rs.7,00,000/- was paid as earnest money. The target date for execution and

registration of sale deed was fixed as 15.10.2016. Thereafter, date for execution of sale deed was extended upto 16.02.2017. In the meanwhile, before expiry of the date of execution of registration of sale deed, the petitioner further entered into an agreement to sell with Pargan Singh in respect of the same land and also received an amount of Rs.20,05,000/- from him. The date for execution of sale deed was fixed as 26.05.2017. Pargan Singh also filed a suit for specific performance on the basis of agreement to sell dated 26.05.2016. Complainant has not filed any suit for specific performance till date.

[3]. While granting interim bail to the petitioner on 15.06.2019, the Additional Sessions Judge, Jalandhar, directed the petitioner to join the investigation and return the amount, if any, or execute the sale deed. Petitioner did not comply with the said order. Resultantly, prayer for anticipatory bail was rejected.

[4]. Vide order 26.08.2019, this Court has granted interim bail to the petitioner. Thereafter, on 01.11.2019, it was observed that the petitioner after having entered into an agreement with the complainant and accepting Rs.7,00,000/- as earnest money, had entered into an agreement with another person with regard to the same land and received Rs.20,00,000/- from him. On the request of the petitioner, the case was adjourned to 08.11.2019. On the adjourned date i.e. 08.11.2019, learned State counsel

was also directed to file an affidavit with regard to the role and *prima facie* evidence collected by the Investigating Agency against the petitioner.

[5]. After arguing this case for some time, learned counsel for the petitioner wishes to withdraw the present petition with a liberty to surrender before the Illaqa Magistrate and seek regular bail in accordance with law.

[6]. Dismissed as withdrawn with liberty aforesaid.

[7]. In the event of filing such a petition, the same shall be decided at the earliest, preferably within a period of seven days in accordance with law.

21.01.2020

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No