

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

**CRM-M No.49607 of 2019 (O&M)
Date of decision : 17.01.2020**

Mayank Sharma Petitioner

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Jigyasa Tanwar, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. H.S.Maan, Advocate
for respondent No.2.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 (2) Cr.P.C. for cancellation of anticipatory bail granted to respondent No.2 in case F.I.R. No.78 dated 30.04.2015 registered under Sections 420/120-B IPC 1860 at Police Station Sarabha Nagar, District Ludhiana.

Counsel for the petitioner states that the primary ground for cancellation of bail is that respondent No.2 transferred the property in favour of his wife.

In this connection counsel for respondent No.2 has pointed out to paragraphs No.12 and 13 of the order of the Civil Court which are quoted herein below :-

“12. As far as the relief qua restraining the defendant from alienating the suit property during the pendency of suit is concerned, this court is of the opinion that in view of the fact that property of defendant has been attached and he has

already been directed to furnish the security under Order 38 rule 5 CPC, no purpose will be served by restraining the defendant from alienating the property. Even otherwise, the plaintiff has not sought specific performance of the agreement to sell to assert his right qua purchasing the said property, so on that note, also, it would be unjust to grant injunction in favor of plaintiff.

13. Accordingly, the present application is partly allowed. The relief under Order 38 Rule 5 CPC is allowed while the relief under Order 39 Rule 1 and 2 CPC is declined. The suit property, detailed above, be attached and defendant is directed to furnish the security to the tune of Rs.22,42,000/- (amount claimed in plaint) within two months from today and if the same is furnished, the attachment be withdrawn.”

Counsel for respondent No.2 further states that immediately after this order respondent No.2 had deposited the security amount in the Court.

No ground for cancellation of bail is made out.

Petition stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

17.01.2020
pooja sharma-I

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No