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

CRM-M No. 2791 of 2021
Date of Decision: 23.03.2021

Hardeep Singh

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Deepak Arora, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.170 dated 26.12.2020 under Section 420 IPC registered at Police Station Bhaini Mian Khan, District Gurdaspur.

Notice of motion was issued on 21.01.2021 and arrest of the petitioner was also stayed.

Learned counsel for the petitioner submits that agreement to sell dated 22.11.2016 was executed as guarantee for a money transaction and target date for execution of sale

deed was fixed as 21.11.2019 i.e. exactly on expiry of 03 years. The said transaction was never intended to be matured from the very inception because the nature of transaction was a money transaction. No civil suit has been filed by Mohinder Pal Singh till date. In the subsequent agreement to sell dated 20.07.2019, an earnest money to the tune of Rs.3 lacs was paid and target date for execution of sale deed was fixed as 22.12.2019. Since there was a loan on the property, therefore, the target date for execution of sale deed was extended to 07.10.2020 after payment of additional amount of Rs.2 lacs.

Admittedly, no suit for specific performance has been filed by the complainant till date.

Learned counsel further submits that in view of aforesaid factual position, the dispute is purely a civil dispute for which redressal lies under civil domain.

Learned State counsel, however, opposed the bail on the ground that in view of aforesaid factual position, a case of cheating is made out against the petitioner.

Evidently, no civil suit has been filed till date. Both the agreements have arisen from bilateral obligations between the parties. *Prima-facie* no final opinion can be made in respect of complicity of the petitioner.

In view of above, the petition is allowed. Petitioner is

directed to appear before the SHO/Investigating Officer to join investigation on 31.03.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail bonds/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself/herself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his/her passport, if any.

23.03.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No