

CRM-M-3997-2020.

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

CRM-M-3997-2020.

Date of Decision:-13.09.2021.

Rajbir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.S. Longia, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first application for pre-arrest bail under Section 438 Cr.P.C. in FIR No.241 dated 30.12.2019 under Sections 406, 420, 467, 506 and 120-B IPC, registered at Police Station Ismailabad, District Kurukshetra.

On 30.01.2020 a Coordinate Bench was pleased to pass the following order:-

“It is stated that the dispute between the parties is basically of civil nature and the petitioner is ready and willing to join the investigation.

Notice of motion for 30.03.2020.

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The petitioner is directed to join the investigation by contacting the Investigating Officer within 05 days from today and render all sort of cooperation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, he is arrested, he be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation and that the present dispute is in fact a civil dispute which is stated to be sought to be given a criminal colour. In fact, even as per the prosecution case, the petitioner is the seller as per the agreement to sell dated 27.11.2018 and the complainant has filed a suit for permanent injunction on the basis of said agreement. It is submitted that in case the complainant was aggrieved with the non-performance of the agreement to sell, he should have filed a suit for specific performance. It is further submitted that the said civil suit is pending and the rights of the parties would be determined in the same.

Learned State counsel, on instructions from SI Pooran Dass, has submitted that the petitioner has joined the investigation but money is still to be recovered from the petitioner, and has thus, opposed the bail application.

This Court has heard the learned counsel for the parties.

Keeping in view the present dispute being primarily a civil dispute and the suit between the parties is pending and the rights of the parties will be finally adjudicated in the said suit and also that the fact that

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that the petitioner has joined the investigation, thus, the present petition deserves to be allowed.

Accordingly, the present petition is allowed and the interim order dated 30.01.2020 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case.

(VIKAS BAHL)
JUDGE

September 13, 2021.
sandeep
Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No