

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

**CRM-M No.10346 of 2019  
Date of Decision : 26.07.2021**

Rajinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present : Mr. R.S. Randhawa, Advocate  
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab.

Mr. Aayush Gupta, Advocate  
for the Complainant.

**SUDIP AHLUWALIA, J. (ORAL)**

Ld. Counsel for the Petitioner on instruction submits that his Client could be in a position to mitigate the Complainant's grievance by getting the property delivered to him unencumbered or by returning the consideration price, as already recorded in the previous order dated 14<sup>th</sup> February, 2020, in about six months from now, since his appeal against resumption is now liable to be taken up as the effects of the Covid-19 Pandemic have largely subsided.

2. This Court is not impressed with such tactics of the Petitioner who has effectively been playing games by initially having held out the undertaking to resolve his dispute to the satisfaction of the Complainant. Thereafter, he has been only gaining time. There is no explanation as to

why the Petitioner at the very initial stage had not executed the Sale Deed in favour of the Complainant if there was no dishonesty in his intention.

3. On the other hand, the Complainant has all along been suffering recurring damages for the last 9-10 years since he is unable to even obtain an Electrical Connection in his own name since the property was not transferred to him in time for no fault on his part, and consequently even his proposed factory upon the same is non-functional.

4. Where the entire consideration price had apparently been already delivered to the seller, his refusal to execute the Sale Deed which resulted in causing tremendous loss to the buyer (Complainant in the present case) inspite of having delivered possession of the property, cannot be regarded as a mere Civil Dispute because the real intention behind the failure/refusal to execute the Sale Deed would become suspect. Custodial interrogation in such a case would appear to be called for to determine the real truth in this regard where the Complainant has been paying the penalty for a very long time without any fault on his part.

5. This Court, therefore, finds no justification to grant the extraordinary relief of the Anticipatory Bail to the Petitioner.

6. The Petition is, therefore, dismissed and the interim protection granted to the Petitioner is hereby recalled.

**July 26, 2021**  
**Dpr**

**(SUDIP AHLUWALIA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No