

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-10818-2020 (O&M)
Date of Decision:-27.8.2021

Sukhvinder Bagga

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anil Kumar Garg, Advocate for the petitioners.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Gurdev Singh.

Mr. Namit Khurana, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.205 dated 21.2.2019 at Police Station City Jagadhri, District Yamuna Nagar under Sections 406, 420 and 506 of Indian Penal Code.
2. At the time of issuance of notice of motion on 16.3.2020, the following order was passed:

“Learned counsel for the petitioner submits that the allegations levelled in the FIR are to the effect that the petitioner despite having agreed to sell his property and having accepted an amount

of ₹5 lakhs did not turn up for getting the sale deed registered and that although subsequently the matter was settled amongst the parties vide agreement dated 4.12.2019 (Annexure P-5) as per which the sale deed was to be registered for an amount of ₹12 lakhs instead of the earlier agreed ₹23.25 lakhs but despite the said mutual agreement the complainant is still not coming forward to get the sale deed executed although the petitioner till date is ready for execution of the same even at the reduced price.

Notice of motion for 13.7.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned counsel for the petitioner has submitted that the petitioner, even as on date, is willing to execute the sale deed and that it is the complainant, who is not coming forward for doing the needful for the purpose of executing the sale deed.
4. On the other hand, learned counsel for the complainant has vehemently argued that it is a case where the petitioner does not have clear title to the property and from which it would be evident that he has defrauded the complainant by entering into the agreement for sale of the same.
5. In reply to the aforestated contention, learned counsel for the petitioner has submitted that he has house tax receipts in respect of the property in question since the last several years and that the property in question is in the name of

the petitioner, which is recorded in the house tax assessment register maintained in the Office of Municipal Corporation, Yamuna Nagar.

6. Learned State counsel has also opposed the petition while submitting that since the petitioner till date has not executed the sale deed in question, his intention to defraud the complainant is clearly evident.
7. However, upon a query made by this Court to the learned State counsel as to whether there is any evidence to show that the property in question does not belong to the petitioner as per the record, learned State counsel has submitted that no such information has been received from the Investigating Officer.
8. Learned State counsel has, however, informed that the petitioner, pursuant to interim directions, has joined investigation.
9. I have considered rival submissions addressed before this Court.
10. It appears that the petitioner had entered into some kind of agreement with the complainant for sale of his property. On account of the petitioner not having executed the sale deed, the complainant approached the Civil Court by way of filing a suit for specific performance, which later on came to be compromised and it was agreed that the property in question would be sold at a lesser price than it was earlier agreed. Although, the complainant has vehemently argued that the petitioner is not the owner of the property but nothing could be shown as to who else, other than the petitioner, is owner of the property, whereas the petitioner has vehemently asserted that he is recorded to be owner in the house assessment register.
11. Having regard to the aforesaid controversy and while noticing that it is a matter based totally on documentary evidence and regarding non

performance of an agreement and while also noticing that the petitioner has since joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 16.3.2020 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

27.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No