

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

**CRM-M No.18051 of 2019 (O&M)
Decided on: 24.11.2021**

Jaswinder Singh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Deepak Grewal, DAG, Haryana.

Mr. D.S. Adlakha, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.190 dated 29.12.2018 under Sections 406, 420, 467, 468, 471, 506, 120-B IPC, registered at Police Station Radaur, District Yamuna Nagar.

The operative part of the order dated 26.08.2019, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“....Learned counsel for the petitioners, at the very outset, submits that the petitioners have given affidavit to the Investigating Officer that they are ready to execute the sale deed in pursuance to the agreement to sell dated 19.01.2017, qua which they have received an earnest money of Rs.13.00 lacs against total sale consideration of Rs.26.00 lacs. It is further submitted that the petitioners are ready to file the affidavit/written statement before the Civil Court, where the suit for possession by way of

*specific performance filed by the complainant is pending.
List again on 21.10.2019....”*

Later on, Ramesh Kumar, the complainant as well as one Dharampal in whose favour the complainant alleges that there is prior agreement to sell, were impleaded as respondents No.2 & 3. There is no representation on behalf of the respondent No.3.

In pursuance to the earlier order wherein it was observed that there is no hindrance in the execution of the sale deed as the petitioner has stated on oath at bar that he has approached the Civil Court for the purpose of execution of the sale deed, a report was sought from the trial Court.

As per the report submitted by the Civil Judge (Sr. Division), no application has been moved for getting the sale deed executed in favour of the complainant and therefore, no such order has been passed. It is also stated that Jaswinder Singh and Dilbag Singh, defendants in the case titled as Ramesh Kumar vs Jaswinder Singh, have even furnished an affidavit to the effect that they are ready to execute the sale deed in favour of the complainant Ramesh Kumar, plaintiff in the civil suit, however, no such application has been moved by Ramesh Kumar for this purpose.

Counsel for the petitioners has submitted that, in pursuance to the order dated 26.08.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

Since the interim order was passed way back on 26.08.2019, a period of 02 years has lapsed and there is no complaint of misuse of concession of interim anticipatory bail, this petition is allowed and the interim bail granted to the petitioners vide order dated 26.08.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

24.11.2021
yakub

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