

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

CRM-M-26171-2020 (O&M)

Date of decision: 11.01.2021

Lakhwinder Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sushil Kumar Verma, Advocate for the petitioner.

Mr. Apoorv Garg, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 319 dated 19.07.2020 under Sections 406, 420, 506 IPC (Section 447 IPC added later on), registered at Police Station Rania, District Sirsa.

On 04.09.2020, this Court passed the following order :-

“Case is being taken up for hearing through video conferencing.

CRM-21849-2020

This is an application under Section 482 Cr.P.C. for seeking exemption from filing duly signed power of attorney and affidavit of the petitioner in original.

For the reasons mentioned in the application, the same is allowed.

CRM-M-26171-2020

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 319 dated 19.07.2020 under Sections 406, 420, 506 IPC (Section 447 IPC added later on), registered at Police Station Rania, District Sirsa.

Learned counsel for the petitioner states that the agreement to sell was executed between the father of the petitioner namely Jagtar Singh and the complainant, in which earnest money was given to the father of the petitioner. Further allegations against the petitioner are that on the fixed date, when the sale deed was to be executed, the father of the petitioner never reached the tehsil office to execute the same. It was the complainant who marked himself present and later filed a suit for specific performance on 29.06.2020, that too only against the father of the petitioner and it is purely a civil dispute.

Notice of motion.

On the asking of this Court, Mr. Ramesh Kumar Ambavta, AAG, Haryana accepts notice on behalf of the respondent-State and states that the earnest money has been taken by the father of the petitioner. The same has not been returned and the father intentionally remained absent when the sale deed was to be executed. On instructions of SI Raj Kumar, learned State counsel further states that the petitioner-Lakhwinder Singh is the witness on the agreement to sell.

It is purely a civil dispute. The agreement was executed between Jagtar Singh-father of the petitioner and the complainant and to execute the said agreement, the complainant has filed a suit for specific performance, which is pending only against the father of the petitioner.

Adjourned to 11.01.2021.

Meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”.

Learned counsel for the petitioner states that pursuant to the order dated 04.09.2020 passed by this Court, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Rajender Singh, states that the petitioner has joined the investigation and he is not required for any further investigation.

I have heard the learned counsel for the parties.

In view of the above, without commenting on the merits of the

case, the present petition is allowed and the order dated 04.09.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(HARNARESH SINGH GILL)
JUDGE

11.01.2021
Mangal Singh

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No