

CRM-M-32475 of 2020

**202IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-32475 of 2020
Date of decision: 27.01.2021

Jaimal

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashish Grewal, Advocate, for the petitioner.
Mr. Kuldeep Tiwari, Addl. A.G., Haryana.
Mr. Namit Khurana, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. petitioner seeks the grant of anticipatory bail in FIR No.220 dated 31.08.2020 under Sections 406 and 420 IPC registered at Police Station Chhachhrauli, District Yamuna Nagar, Haryana.

Briefly stated, the case of the prosecution is that the petitioner agreed to sell his land to the complainant for ₹1.15 crores; at the time of the agreement ₹20.00 lakhs was given by the complainant to the petitioner; the sale deed was to be registered on 27.5.2019 on which date the balance payment was to be paid by the complainant; the petitioner was to hand over possession of the aforesaid land to the complainant within three months; on 27.5.2019 the complainant, along with the balance sale

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consideration, remained present in the office of the Sub-Registrar but the complainant did not come; the complainant then served upon the petitioner a registered AD legal notice but in spite of the same the petitioner did not get the sale deed registered; the complainant then came to know that way back on 19.7.2013 the petitioner had agreed to sell 4 kanals out of the aforesaid land to Sanjeev Kumar etc. but since in their case also the petitioner had failed to honour the agreement, Sanjeev Kumar etc. had filed a suit for specific performance which was decreed on 7.12.2017; without disclosing the afore-fact the petitioner had entered into an agreement with the complainant and had also taken ₹20.00 lakhs as earnest money; after the complainant filed a complaint with the Superintendent of Police, Yamuna Nagar, the petitioner agreed to get sale deed of two kanals of his land registered in favour of the complainant but, fraudulently, backed out of such promise also and instead, the petitioner threatened the complainant with dire consequences.

On 13.10.2020, when the present petition came up for preliminary hearing, learned counsel for the petitioner stated that the petitioner was ready and willing to get sale deed of two kanals of his land registered in favour of the complainant and relying on such statement this Court issued notice and granted the petitioner *ad interim* anticipatory bail. However, the petitioner failed to honour his statement as no such sale deed was got registered by him by the adjourned date.

On December 17, 2020 learned counsel for the petitioner submitted that he had express instructions from the petitioner that he would now get the sale deed registered on 21.12.2020. On the basis of the

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afore-statement the hearing of the present petition was deferred to 19.1.2021 and the petitioner was granted another opportunity to get the sale deed registered on 21.12.2020. However, for the second time the petitioner failed to honour his word.

On January 19, 2021 as per the status report filed by the State, on 21.12.2020, the petitioner had reached the office of the Sub-Registrar, Chhachhrauli only at 4.00 p.m. but even thereafter refused to get the sale deed executed.

On January 19, 2021 this Court passed the following order:

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On 17.12.2020, this Court had passed the following order:-

“Learned counsel for the petitioner submits that he has express instructions from the petitioner that he will get the sale deed registered of the plot in question in the complainant's favour on 21.12.2020 (forenoon).

Learned counsel for the complainant submits that he also has express instructions from his client that he will be present before the Registrar on 21.12.2020 (forenoon) to facilitate the registration of the sale deed by the petitioner in his favour.

In view of the above, present petition is adjourned to 19.1.2021.

Interim order to continue.

Before the adjourned date the Sate shall file a status report with regard to the fact whether the petitioner has shown his bona fides with regard to the above statement made before this Court.”

The State has filed a status report as per which the petitioner reached the office of the Sub Registrar, Chhachhrauli on 21.12.2020 at 4 P.M. and thereafter, refused to get the sale

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deed executed. It is further submitted that police conducted several raids at the petitioner's house but he was not found there and his wife told the police party that he had gone out of station for the last several days.

In view of the above status report filed by the State when this Court was about to dismiss the present petition, learned counsel for the petitioner submitted that the petitioner was present at the office of the Sub Registrar, Chhachrauli well in time but it was the complainant who did not bring the requisite stamp fee duty and therefore the sale deed could not be registered. He further alleged mala fides on the part of the police.

To bring an end to this controversy and in the interest of justice, the petitioner and the complainant, through their respective counsel, are directed to present themselves before the Sub Registrar, Chhachrauli on 22.01.2021 at 10.00 a.m. to get the sale deed registered in terms of the statement made by learned counsel for the petitioner on 17.12.2020.

The Sub Registrar, Chhachrauli, is directed to file a report in this regard before the adjourned date.

Adjourned to 27.01.2021.

Interim order to continue only till the adjourned date.”

In pursuance to the afore-quoted order Sub-Registrar, Chhachhrauli, has filed a report, a copy of which is taken on record.

As per the above report the petitioner appeared before the Sub Registrar on 22.1.2021 but refused to get the sale deed registered as he wanted more than the agreed amount from the complainant.

The afore-referred facts, which speak for themselves, clearly reveal that the petitioner, on three occasions, stated before this Court that he would get sale deed of two kanals of his land registered in favour of the

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complainant and on all three occasions, purely out of greed, failed to abide by the commitment made to this Court.

The above conduct of the petitioner does not entitle him to be granted the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case as trial of the petitioner is yet to take place.

January 27, 2021
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No