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

CRM-M-40926-2021 (O&M)
Date of decision : 30.09.2021

Sunil Kumar Dogra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.90 dated 18.03.2021 registered under Sections 420 and 120-B of the Indian Penal Code, 1860 at Police Station Focal Point, Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, although, the complainant as shown in the FIR is Kailashi Devi, however, there are four complainants in all. The other three complainants are Sonu Kumar, Ahilya Devi, Jyot Sahni.

Learned counsel for the petitioner has referred to the sale deeds (Annexures P-5, P-6 and P-7) to show that as far as the complainants namely Kailashi Devi, Sonu Kumar and Ahilya Devi are concerned, the

sale deeds have been executed in their favour and thus, there is no dispute left with them. It is further pointed out that although, as per the sale deed (Annexure P-6), the same has been executed in favour of Meera Devi who is wife of Sanjay Kumar, the same Meera Devi is the mother of Sonu Kumar. It is further submitted that as far as the complainant-Jyot Sahni is concerned, since he has not paid the balance amount of consideration, thus, the sale deed has not been executed in his favour and regarding the same, a civil suit dated 19.08.2021 has been filed for declaration to the effect that the agreement to sell dated 09.11.2018 has been cancelled and rescinded.

Learned counsel for the petitioner has very fairly submitted that in fact, if the said Jyot Sahni cannot pay the balance amount of consideration and wants to take back the money, the petitioner is even ready to return back the same. It is further submitted that in fact, Arun Kumar, co-accused of the petitioner has already been granted the concession of anticipatory bail, as is apparent from the orders (Annexures P-8 and P-9).

Learned counsel for the petitioner has also submitted that the present dispute is primarily a civil dispute which is sought to be given a criminal flavour. The entire matter is based on documents and thus, the custodial interrogation of the petitioner is not required.

Notice of motion.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the State and has opposed the present petition for grant of anticipatory bail to the petitioner, but however since the facts which have been stated by the learned counsel for the petitioner are based on the documents, thus, the same have not been controverted by him.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the present case has civil tappings and co-accused of the petitioner namely Arun Kumar has already been granted the concession of anticipatory bail by the Court below as well as the fact that the three sale deeds have already been executed in favour of three complainants and with respect to 4th complainant, a civil suit has been filed and also the fact that the petitioner is even ready to return back the money to the said complainant, in case, the complainant wants to settle the matter.

In view of what has been observed above, the present petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

30.09.2021

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**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No