

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

CRM-M-43901-2021

Date of Decision: 28th October, 2021

Gurnam Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Krishan Singh, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana
for the respondent-State.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 207, dated 19.07.2021, under Sections 406, 420 IPC , registered at Police Station Sector 17, HUDA Jagadhri, District Yamuna Nagar.

2. As per the allegations in the FIR, agreement to sell was entered between the petitioner and the complainant for a property in question. The allegations are that the agreement to sell was entered without mentioning that the land was mortgaged with one Kamla Devi. An advance was accepted but sale deed was not executed.

3. Learned counsel for the petitioner submits that it is a case of false implication. The dispute is civil in nature. The property stood redeemed from the mortgage, he relies on the affidavit of Kamla Devi. He

further submits that the complainant backed out and never made a balance payment.

4. Learned State counsel opposes the prayer for grant of bail. She submits that complainant was duped of her hard earned money, she neither got the property nor the money back. State counsel fairly on instructions submits that challan stands presented.

5. Without commenting upon the merits of the case, suffice to say *prima facie* the issue has tone and tenor of a civil dispute. The issue as to whether the complainant was cheated or it is a case of non-fulfillment of terms and conditions of agreement to sell is a debatable issue. Investigation is complete, conclusion of the trial is likely to take time,

6. No useful purpose would be served by depriving the personal liberty of the petitioner. Petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

28th October, 2021
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No