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

CRM-M No.48272 of 2021 (O&M)

Date of decision: 17.11.2021

Kamaljit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0188 dated 31.10.2021, registered under Sections 406 and 420 IPC at Police Station Bullowal, District Hoshiarpur.

Counsel for the petitioner has argued that the petitioner along with Sarabjit Singh and Sukhwinder Singh, were co-sharers in 03 Kanals 08 marlas of land and after obtaining a power of attorney from the aforesaid 02 co-sharers, he has sold the land to one Mehtab Singh Saini, for an amount of Rs.4.50 lacs vide sale deed dated 18.06.2021. It is further submitted that the FIR has been registered by one Sandeep Kumar with the allegation that the petitioner has executed an agreement to sell in his favour on 06.04.2021, on receiving the amount of Rs.1.50 lacs as earnest money and the stipulated date was fixed as 28.06.2021 and prior to the said date, he has sold the land to Mehtab Singh Saini.

Counsel for the petitioner has further argued that though he is disputing his signatures on the alleged agreement to sell by the

complainant Sandeep Kumar as the same is subject-matter of 02 civil suits, which are pending before registration of the FIR. It is also submitted that during the investigation, the Deputy Superintendent of Police has also recorded a finding that the matter is of civil nature and even, the District Attorney has given his opinion on 01.10.2021 that the matter is sub-judice before the Civil Court and, therefore, there is no requirement for registration of the FIR.

Counsel for the petitioner has further argued that the petitioner, without prejudice to his right of defence, is ready to deposit a sum of Rs.1.50 lacs with the Illaqa Magistrate/trial Court, which may be kept in the FDRs subject to final outcome of the case.

Counsel for the petitioner has, lastly, submitted that apart from Rs.1.50 lacs, Rs.2.00 lacs were also paid subsequently, however, it is not disputed that 02 civil suits are pending prior to registration of the FIR.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

After hearing the counsel for the parties, considering the aforesaid submissions as well as pendency of the 02 civil suits and the opinion given by the District Attorney and also in view of the fact that the petitioner has volunteered to deposit a sum of Rs.1.50 lacs, which is earnest money as per the agreement to sell dated 06.04.2021, set up by the complainant, I deem it appropriate to grant the concession of anticipatory bail.

Accordingly, the present petition is allowed and the petitioner is directed to appear before the Illaqa Magistrate/trial Court

within a period of 30 days and the trial Court will release the petitioner on interim bail subject to his furnishing bail/surety bonds.

The amount of Rs.1.50 lacs will also be deposited by the petitioner, without prejudice to his right of defence subject to final outcome of the case, within a period of 30 days from today before the Illaqa Magistrate/trial Court and the same may be kept in the FDRs.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

17.11.2021
yakub

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