

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

203

CRM-M-48108-2019 (O&M)
Decided on 06.09.2021

Rakesh Kumar

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr.Sanjiv Gupta, Advocate, for the petitioner.

Mr.J.P.Ratra, DAG, Punjab.

Mr.Naresh Prabhakar, Advocate, for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail in FIR 0251 dated 18.10.2019 under Section 420 IPC registered at Police Station: Division No.6, Ludhiana.

On 08.11.2019, the following order was passed:

Counsel for the petitioner submits that in the complaint given to the police, which was followed by the registration of the FIR, in para 2, the complainant referred to a Demand Draft No.014921 dated 3.1.2019 vide which it is stated that the complainant has paid the sale consideration to the petitioner. Counsel for the petitioner further submits that, in fact, this demand draft pertains to Rs.7 Lacs only which was received as a part payment equivalent to the collector's rate. Counsel for the petitioner also submits that in the entire complaint/FIR there is no reference of making of the balance sale consideration of Rs.61 Lacs in cash. Counsel for the petitioner further submits that after the sale deed was prepared and the date was fixed to appear before the Sub Registrar. the petitioner had Whatsapp conversation

with the complainant on 6/7.1.2019 when the complainant asked the petitioner where should he make the balance payment and upon this, the petitioner informed him that he should come in the office of Sub Registrar on 7.2.2019. Counsel for the petitioner further submits that, thereafter, the petitioner immediately gave a complaint on the same day, i.e. 7.2.2019 that he is not willing to get the sale deed executed as the purchaser has not paid the balance cash payment as agreed. Counsel for the petitioner further submits that the petitioner is ready to explore the possibility of settlement, either to return the amount of of Rs.7 Lacs or on receiving the balance sale consideration, he will execute the sale deed.”

Learned counsel for the petitioner submits that in pursuance of the order dated 08.11.2019, petitioner has joined the investigation and is not required for any further investigation. Learned counsel further submits that the matter was referred to the Mediation and Conciliation Centre of this Court. However, no settlement could be arrived at.

Learned State counsel, on instructions from ASI Gurtej Lal, has not disputed the factual position and states that petitioner is no more required for any further investigation.

In view of the above and considering the fact that interim bail was granted in the year 2019 and since then, no complaint has been received against the petitioner and he has not misused the concession of interim bail granted to him, this petition is allowed and the interim bail granted to the petitioner vide order dated 08.11.2019 is made absolute

subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

06.09.2021
anil

<i>Whether speaking/reasoned :</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>