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

CRM-M-10512-2020

Date of decision : 11.01.2022

Naranjan Kumar Sidhar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.111 dated 20.07.2019 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Garhshankar, District Hoshiarpur.

On 12.03.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“Briefly, the FIR bearing No. 111 dated 20.07.2019 under Sections 406 and 420 of IPC, 1860 has been registered on the allegations that the controversy pertain to agreement to sell dated 07.10.2011 vide which the petitioner had agreed to sell 57 Kanals 10 marlas of land to the complainant. The stipulated date for execution of the sale

deed was fixed as 26.03.2013.

It has been stated by the learned counsel for the petitioner that on the stipulated date, the petitioner remained present in the office of Sub Registrar but none turned up from the side of the complainant. Out of land which is subject matter of agreement to sell, the sale deeds with regard to 14 Kanals 14 marlas (as per the allegations of the complainant) have already been executed. Besides, the consideration is stated to be Rs. 8 crores, out of which as per the version of the complainant the amount to the tune of more than Rs. 3 crores and 64 lacs has already been paid to the petitioner. Furthermore, at the earlier instance, a complaint was submitted to the police and on inquiry, it was concluded that the matter in dispute pertain to the financial transactions with regard to the sale and purchase of immovable property and the matter was civil in nature. No civil suit has been instituted by the complainant seeking specific performance of agreement to sell and the present FIR has been lodged after an inordinate delay on 23.07.2019.

Notice of motion for 06.05.2020.

Meanwhile, it is directed that in the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

12.03.2020

Sd/-(VIVEK PURI)

JUDGE ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 12.03.2020, the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Rachhpal Singh, has submitted that the petitioner has joined the investigation on 10.01.2022 and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso the facts which have been noticed in abovesaid order dated 12.03.2020 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 12.03.2020 is ordered to be made absolute.

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.

11.01.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No