

CRM-M-11378-2020

Date of decision-07.03.2022

Jitesh Kumar Manocha

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.S. Gill, Advocate for
Mr. Pratham Sethi, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. M.K. Sajjan, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.49 dated 13.02.2020 under Section 420 of Indian Penal Code, 1860 registered at Police Station City Ferozepur, District Ferozepur, who apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has argued that as per allegations, the petitioner (vendor) received a sum of Rs.12,00,000/- from the complainant while executing an agreement to sell on 17.03.2017 vide which the complainant agreed to sell his shop for a total sale consideration of Rs.48,00,000/- and last date for execution of sale deed was fixed as 15.01.2019 and instead of keeping his word, the property was sold to third party thereby causing wrongful loss. He submits that now the parties have arrived at amicable settlement and has produced the copy of compromise dated 04.03.2022. According to him, the possession of the property has been

taken from the third party by again purchasing the said property and further handed over the same to the complainant, however, the formal sale deed is yet to be executed.

Learned counsel for the complainant does not dispute the fact of compromise and states that indeed the possession of the shop in question has been delivered to him.

Learned State counsel has pointed out that this Court vide order dated 18.03.2020 had stayed the arrest of the petitioner, who is yet to be associated with the investigation.

Considering the above background, the petition is allowed and it is ordered that in the event of arrest of the petitioner by the Investigating Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall continue to join the investigation as and when called upon to do so and shall also abide by the conditions enshrined under Section 438(2) Cr.P.C.

(MANOJ BAJAJ)
JUDGE

07.03.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No