

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

CRM-M-16054-2019

Date of decision : 07.09.2022

Satbir @ Satyavir and others

..... Petitioners

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amit Kumar Jain, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

On 23.08.2022, the following order was passed:-

“On 08.04.2019 the following order was passed :-

“Contends that no sale consideration on account of the execution of Sale Deed dated 07.06.2017 (P-2) has been received by petitioner Nos.1 and 2.

Notice of motion for 08.08.2019.

In case the assertion is found to be incorrect, the petition would be liable to be dismissed with exemplary costs.”

On 18.05.2022 reply by way of affidavit of Mohd. Jamal, HPS, Deputy Superintendent of Police, Rewari, District Rewari was filed on behalf of respondent No.1-State. The relevant part thereof reads as under :-

“2(i) That in reply to the contents of para No.2 (i) of the petition, it is submitted that it is the matter of record that the land stood purchased in the name of the son of the respondent no.2 in terms of sale deed dated 07.06.2017. Further it is a matter of record that the said amount was transferred vide bank

transactions reflecting in the account as per the account statement collected by the investigating agency. The negotiable instruments used to transfer the amount are admittedly different and not the same as mentioned in the sale deed, however, the amount has been transferred. The petitioners no.1 and 2, at the time of their arrest have onceded the fact of sale. Further, it shall be open to the petitioners to raise the plea of non receipt of money, although it is false, during the course of the trial before the Trial Court. It is settled position of law that contention which dispute any question of fact cannot be summarily adjudicated, as they require appreciation of evidence.”

Faced with this situation learned counsel for the petitioners prays for time to complete his instructions.

Adjourned to 07.09.2022.”

- 2. Today, counsel for the petitioners is not in a position to deny the fact that the question with respect to the receipt of the sale amount will purely be a question of fact which cannot be adjudicated in a petition under Section 483 Cr.P.C.
- 3. Consequently, the present petition stands dismissed as not pressed.
- 4. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

07.09.2022

Dinesh

Whether speaking/reasoned
Whether Reportable :

Yes
No