

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

**CRM-M-23976-2022 (O&M)**

**Date of Decision: 01.09.2022**

**Narain Garg**

**.....Petitioner**

**Vs.**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Prateek Pandit, Advocate,  
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

Mr. Kinshu Mittal, Advocate, and  
Mr. Nitin Verma, Advocate,  
for the complainant.

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**VIKAS BAHL, J. (Oral)**

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 31 dated 05.03.2022 under Section 420 of the IPC, registered at Police Station Shambu, District Patiala.

On 30.05.2022, this Court was pleased to pass the following order:-

*“Inter alia contends that the present case has civil trappings and on the basis of the alleged agreement to sell, the complainant has already instituted a suit for possession by way of specific performance (Annexure P-4).*

*It is the case of the petitioner that he had never executed any such agreement to sell.*

*Notice of motion for 25.07.2022.*

*On advance notice, Mr. Sarabjit S.*

*Cheema, AAG, Punjab appears and accepts notice on behalf of the State and Mr. J.S. Moudgill, Advocate appears on behalf of the complainant and seek time to get instructions.*

*In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.*

*Liberty is granted to the complainant to produce on record all the relevant documents in order to show that the petitioner is not entitled for anticipatory bail.*

*(VIKAS BAHL)*

*30.05.2022*

*JUDGE”*

On 25.07.2022, it was stated by learned State counsel on instructions from ASI Angrej Singh that the petitioner has joined investigation.

Today, learned State counsel, on instructions from ASI Balkar Singh, has submitted that the petitioner is not required for further investigation.

Learned counsel for the complainant has opposed the present petition for anticipatory bail and has submitted that the complainant had paid an amount of Rs. 60,00,000/- as earnest money.

Learned counsel for the petitioner in rebuttal has submitted that

out of the said amount of Rs. 60,00,000/- even as per the case of the complainant, an amount of Rs. 45,00,000/- had been paid by cash and the same is highly unlikely and has submitted that in any case, the suit for specific performance filed by the complainant is pending before the civil court and the civil court would, after considering the pleas of both the parties and after granting opportunity to cross-examine the witnesses, adjudicate upon the entire dispute.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 30.05.2022 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 30.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

**September 01, 2022**  
nitin

**(VIKAS BAHL)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No