

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

108

CRM-M-35010-2022 (O&M)

Date of Decision: 08.08.2022

SATNAM SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.59 dated 24.06.2022, registered at Police Station Lambran, District Jalandhar (Rural), under Sections 406 and 420 IPC.

Learned counsel for the petitioner submits that the agreement to sell in question was executed between the parties on 09.06.2021; that earnest money of Rs.50,00,000/- was received by the petitioner and that the sale deed was to be executed on 09.03.2022. He further submits that the co-sharer of the property filed a civil suit on 06.07.2021 and that vide order dated 07.12.2021 passed by the Civil Court, the defendants therein have been restrained from alienating, selling, transferring, mortgaging or creating any kind of charge over the property in dispute. Still further, it is submitted that the complainant had agreed to pay a sum of Rs.30,00,000/- on 09.10.2021, but till date no amount has been paid.

Notice of motion.

On the asking of this Court, Mr. Tanvir Joshi, AAG Punjab

and Mr. Puneet Sharma, Advocate for the complainant accept notice.

Learned counsel for the complainant submits that on the property in dispute, the petitioner had availed a loan of Rs.49,00,000/- and that as per the agreement between the parties, the earnest money was to be paid to the bank as repayment of the loan amount but till date not even a single penny has been paid by the petitioner. He further submits that the complainant, at a later stage, came to know that litigation is going on before the civil court and that the civil Court has passed a restraint order qua the property in dispute.

I have heard the learned counsel for the parties.

There is no denial to the fact that the petitioner had availed the loan on the property in dispute and the earnest money so received by him was to be paid to the bank against the loan raised. Out of Rs.50,00,000/- the petitioner had not deposited any amount in the loan account. The petitioner has also not disclosed the factum of civil litigation pending qua the property in question. All these facts show the criminal bent of mind the petitioner was having at the time of execution of the agreement to sell. The allegations against the petitioner are specific and serious in nature. Thus, to unearth the truth, the custodial interrogation of the petitioner is required.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

08.08.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*