

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

CRM-M-48678-2021
Date of Decision:-24.2.2022

GURBIR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

None on behalf of respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

Instant petition has been filed by the petitioner for grant of
anticipatory bail in case having FIR No.54 dated 5.6.2021 registered under
Sections 420 IPC at Police Station Ghuman, Police District Batala District
Gurdaspur.

The counsel for the petitioner contended that the petitioner and
his wife are falsely implicated in this case at the instance of respondent

No.2-Balwinder Singh. That actually the petitioner entered into an agreement to sell one shop with respondent No.2 on 13.11.2018 for valuable consideration. Thereafter, respondent No.2 was not having enough money to pay the balance sale consideration and in order to avoid legal action respondent No.2 coined false story that after the execution of aforesaid agreement to sell, the petitioner sold the shop in question to one Kamaljeet Kaur. The counsel for the petitioner further contended that even now the petitioner is ready to sell the shop in question to respondent No.2, on payment of the balance sale consideration. The counsel for the petitioner further contended that there is no intention on the part of the petitioner to cheat anyone. It is further submitted that petitioner has joined investigation with the police on the basis of order of interim bail dated 25.11.2021 passed by this Court.

The State counsel on instructions from ASI Jaspal Singh made statement that petitioner has joined the investigation and is not required by the police for custodial interrogation.

As per office report, respondent No.2 was served through his wife but today no one appeared on behalf of respondent No.2.

FIR in the present case has been registered on the basis of the allegations made by respondent No.2 that petitioner and his wife committed breach of the terms and conditions of agreement to sell dated 13.11.2018. However, the petitioner has denied this fact and even now he had showed his willingness to perform his part of the contract subject to payment of balance sale consideration by respondent No.2. The petitioner has joined the investigation with the police in compliance of interim bail dated 25.11.2021

and as has been stated by the State counsel now he is not required by the police for his custodial interrogation. Admittedly, wife of the petitioner was granted anticipatory bail by this Court vide order dated 3.11.2021 (Annexure P-5).

In view of the above, the present petition is hereby allowed and order of interim bail dated 25.11.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

24.2.2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No