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

Date of decision-15.03.2022

1. CRM-M-54795-2021

Kuldeep Singh @ Kuldip Singh
Vs.

...Petitioner

State of Punjab

...Respondent

2. CRM-M-49295-2021

Ravinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

3. CRM-M-54811-2021

Amrinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurabh Arora, Advocate for the petitioners
in CRM-M-54795-2021 and CRM-M-54811-2021.

Mr. L.S.Lakhanpal, Advocate for the petitioner
in CRM-M-49295-2021.

Mr. V.G.Jauhar, Sr.DAG, Punjab.

Mr. Liaqat Ali, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioners have filed these separate petitions under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.183 dated 29.10.2021 under Sections 406, 420 and 120-B Indian Penal Code, 1860 registered at Police Station Haryana, District

Hoshiarpur, who apprehend their arrest at the hands of Police.

Learned counsel for the petitioners have argued that as per allegations contained in the FIR, it is apparent that the dispute between the parties is of civil nature and this Court vide orders dated 07.01.2022, 07.12.2021 and 04.01.2022, respectively, extended the concession of interim pre-arrest bail to the petitioners, with the direction to join the investigation.

Learned counsel for the petitioners have stated that in compliance of the above order, the petitioners associated themselves in the investigation and cooperated during interrogation.

Learned State counsel who is instructed by SI Sohan Lal states that indeed the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Learned counsel for the complainant has opposed the prayer on the ground that the suit by the accused-Kuldeep Singh has been filed after the registration of the case and the same is an afterthought. According to him, the petitioners had dishonest intention from the very beginning and through agreement to sell dated 10.04.2017, a wrongful loss has been caused to the complainant, therefore, petition deserves to be dismissed.

At this stage, learned counsel for the petitioners have argued that accused-Ravinder Singh is a property dealer, who had facilitated the deal for purchase of land belonging to one Ranveer Singh and Dharamjit Singh through agreement to sell dated 20.07.2016 with

the complainant and the same was founded upon another agreement to sell, but as there was dispute with respect to the said land, the accused-Ravinder Singh expressed his inability to materialise the agreement and proposed the complainant to purchase the land of Kuldeep Singh, whereupon, agreement dated 10.04.2017 was executed. They have argued that the amount paid pursuant to the agreement to sell dated 20.07.2016 was adjusted in the subsequent agreement and Ravinder Singh had never signed the said agreement as witness. It is further pointed out that accused-Amrinder Singh was only attesting witness to the agreement to sell and is not beneficiary.

During the course of hearing, it is not disputed by Mr. Liaqat Ali, learned counsel that the complainant never filed any civil suit seeking specific performance of the agreement to sell dated 10.04.2017 as he is settled abroad.

After hearing learned counsel for the parties and considering the above background, this Court finds that case of the prosecution is based upon the documentary material and in respect of the subject agreement to sell dated 10.04.2017, the civil suit filed by accused is already pending before the Civil Court wherein the rights of the parties would be adjudicated. Thus, in the given facts, custodial interrogation of the petitioners does not appear to be necessary, particularly when State counsel has not raised any objection regarding non-cooperation on the part of the petitioners during investigation.

Resultantly, without meaning any expression of opinion on

the merits of the case, the petitions are allowed and the interim bail granted by this Court vide orders dated 07.01.2022, 07.12.2021 and 04.01.2022 are made absolute.

(MANOJ BAJAJ)
JUDGE

15.03.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No