

ADAR SINGH....Petitioner

Versus

STATE OF PUNJAB...Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Manish Kumar Singla, Advocate for the petitioner.
Mr. Jaspal Singh Guru, AAG, Punjab.
Mr. Ranjit Singh Sidhu, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR as under:-

FIR No.	Dated	Section	Police Station
256	02.12.2022	420, 120-B	Bhawanigarh, District Sangrur

2. In nutshell, the case of the prosecution is that Paramjeet Kaur-complainant purchased land from the petitioner and for execution of sale deed dated 04.05.2018 both the parties visited office of Tehsildar Sunam and the petitioner signed the sale deed and received payments through cheques and for execution of sale deed stamp paper was purchased and at the time of clicking photo for sale deed, petitioner left the Tehsildar office and thereafter making lame excuses for execution of the sale deed. The complainant

several times visited the house of the petitioner but he could not turned up to execute the sale deed and hence the FIR was registered.

3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He submits that the allegations against the petitioner are purely of civil nature and the FIR has been lodged only to arm-twist the petitioner, after an unexplained delay of 03 years. He contends that the petitioner had on the stipulated date i.e. 04.05.2018 appeared before the office Sub- Registrar for execution of sale deed and had even signed on the sale deed. Learned counsel for the petitioner further submits that the petitioner is ready and willing to join the investigation and as such prayed for grant of concession of bail.

4. Learned State counsel, on instructions from ASI Mahender Singh submits that the present case was registered after preliminary inquiry into the matter and verifies the fact that the copy of draft sale deed dated 04.05.2018 is available on the police file which bears the signature of the present petitioner and also the fact that petitioner has no criminal antecedents.

5. Learned counsel for the complainant contends that the petitioner visited the house of the petitioner several times but he could not turned up to execute the sale deed despite signature on the draft sale deed and making lame excuses for executing the sale deed.

6. Considering the facts and circumstances of the case, without commenting on the merits thereof, the present dispute *prima facie* appears to be civil in nature, therefore, the present petition is, hereby, allowed and the petitioner is directed to join the investigation within seven days from today

and in the event of arrest of the petitioner, the petitioner is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

- 7. The petition stand allowed.
- 8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

07.11.2023
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No