

2023:PHHC:064505

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CRM-M-3611-2023

Date of decision:04.05.2023

VIPAN KUMAR

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Nitin Sachdeva, Advocate
for the petitioner.

Ms. Himani Arora, AAG Punjab.

None for the complainant.

GURBIR SINGH, J. (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No. 3 dated 04.01.2023 under Sections 420 and 120-B of IPC, registered at Police Station Meharban, District, Police Commissionerate Ludhiana.

On 15.02.2023, the following order was passed:-

“Pursuant to the order dated 23.01.2023, Status Report by way of affidavit of Gurdev Singh, PPS, Assistant Commissioner of Police, Ludhiana (East), filed on behalf of respondent-State, is ordered to be taken on record.

Mr. Vishal Mittal, Advocate has put in appearance by filing Memorandum of Appearance and undertakes to file his Power of Attorney in the Registry in due course.

As per allegations made by the complainant, he was owner of the plot measuring 390 sq. yards, situated in Village Bajra, Ludhiana. He contacted a property dealer to sell the plot who introduced him with the petitioner as interested buyer of the plot. As per the agreement, the petitioner agreed to pay a sum of Rs.17 lakhs and to transfer the plot measuring 530 sq. yards, situated in Village Gadapur. On the pressure of the petitioner, the complainant sold his plot of 390 sq. yards in favour of Daya Singh for a sum of Rs.12,50,000/-. The petitioner failed to form the second part of the agreement. He did not make the payment of sale consideration to his vendor and did not get executed the sale deed of the aforesaid plot measuring 530 sq. yards from the vendor namely Sukhpreet.

Learned counsel for the petitioner has submitted that civil dispute is being given colour of criminal case. The FIR was registered after more than three years of agreement between the parties. No civil suit was filed for specific performance of part of the agreement. It is further submitted that the petitioner is ready to join investigation as and when so required.

Learned counsel for the complainant has placed on record a copy of vernacular of the agreement executed by the petitioner with the complainant. He has submitted that the petitioner has shown some other plot measuring

530 sq. yards and did not get the same transferred and cheated the complainant. It has also been submitted that another case was registered against the petitioner bearing FIR No.399 dated 10.11.2018, under Sections 336, 427, 506 IPC and Sections 25 and 27 of the Arms Act, at Police Station Salem Tabri, Ludhiana.

Learned State counsel has opposed the bail petition of the petitioner on the ground that another case was also registered against him, as mentioned by learned counsel for the complainant as well and his custodial interrogation is also required.

Learned counsel for the petitioner has further argued that the copy of the agreement which is on the file, does not bear any date as to when it was executed. The petitioner is on bail in the aforementioned FIR No.399 dated 10.11.2018. The complainant is trying to implicate the petitioner in one case or the other. At the time of granting bail, learned Additional Sessions Judge, Ludhiana had also observed that the police authorities had earlier prepared cancellation report in that case.

Heard.

No civil suit has been filed for specific performance of the part of the contract. The case is based on documentary evidence.

Adjourned to 04.05.2023.

In the meanwhile, the petitioner is directed to

join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the Arresting Officer/Investigating Officer on furnishing of bail bonds/surety bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Jaswinder Singh 2780, Ludhiana, submits that in compliance of the order dated 15.02.2023 the petitioner has already joined the investigation and he is not required for any custodial interrogation.

In view of above, the order dated 15.02.2023 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

04.05.2023
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Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No