

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33224-2021 (O&M)
Date of Decision: 21.11.2023

(I)

Baldev Singh

....Petitioner(s)

Versus

State of Punjab and another

.....Respondent(s)

CRM-M-33351-2021 (O&M)

(II)

Baldev Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON’BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Aditya Dassaur, Advocate,
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Mr. Shiv Charan Bhola, Advocate,
for respondent No.2 in CRM-M-33224-2021 &
for respondents No.2 to 4 in CRM-M-33351-2021.

JASGURPREET SINGH PURI, J. (Oral)

1. Both the petitions are taken up together for final disposal with
the consent of learned counsel for the parties since the prayer made in both

the petitions is for cancellation of bail.

2. Learned counsel appearing on behalf of the petitioner submitted that respondent No.2 in CRM-M-33224-2021 and respondents No. 2 to 4 in CRM-M-33351-2021 have been granted anticipatory bail by the learned trial Court in the year 2021. He submitted that it is a case where the allegations were that there was an agreement to sell and the petitioner was the proposed purchaser and there was a dispute of an agreement to sell pertaining to 264 kanals of land. He further submitted that an earnest money of about Rs. 2.42 crores was received by the private respondents and thereafter, they did not turn up for getting agreement to sell registered by way of a sale deed and in this way, they have not returned the earnest money. He further submitted that the conditions stipulated in the agreement to sell were with regard to loan clearance which was not cleared and submitted that the orders were erroneous orders by which anticipatory bail was granted to the private respondents.

4. On the other hand, the learned State counsel as well as learned counsel for the respondents have submitted that more than 2 years have elapsed after the grant of anticipatory bail and even the investigation of the case has been completed and thereafter challan has been presented. Learned counsel for private respondents further submitted that even as per the orders passed by the learned trial Court, the matter was a money dispute between the parties and the respondents had joined the investigation and for recovery of amount, the anticipatory bail cannot be denied. He further submitted that the liberty of a person cannot be curtailed only on this issue after a period of 2 years and especially in case some financial dispute is involved.

5. I have heard the learned counsel for the parties.
6. The private respondents were granted anticipatory by learned trial Court in the year 2021. Thereafter, the challan was presented and the matter is at the trial stage. The dispute is with regard to money dispute and recovery of money. During the course of arguments, a specific query was raised to the learned counsel for the petitioner as to whether he has filed any suit for specific performance in this regard to which he submitted that he has not filed any suit for specific performance. Therefore, it appears that a civil dispute has been given a criminal flavour and consequently, this Court is of the view that at this stage the liberty of a person cannot be curtailed on the grounds as raised by learned counsel for petitioner.
7. Consequently, both the petitions are dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petitions only.

21.11.2023
rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No