

Neutral Citation No.2023:PHHC:160718

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M-35440 of 2022 (O&M)
Date of decision : 14.12.2023
...

Jatinder Singh

.....Petitioner

vs.

State of U.T., Chandigarh

.....Respondent

2) CRM-M-32053 of 2022 (O&M)
...

Gurbaz Singh

.....Petitioner

vs.

State of U.T., Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sudhir Hooda, Advocate for the petitioner(s)

Mr. Manish Bansal, P.P., and
Mr. Navjit Singh, Advocate for
U.T. Chandigarh -respondent

Mr. R.K. Dogra, Advocate for the complainant

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MANJARI NEHRU KAUL, J. (ORAL)

Both the instant petitions, detailed hereinabove, have been
filed by the petitioners under Section 438 Cr.P.C. seeking
concession of anticipatory bail in FIR No. 107 dated 1.7.2022, under

Sections 420, 120-B of the Indian Penal Code, 1860 , registered at Police Station Central Sector 17, Chandigarh.

2. Learned counsel for U.T., Chandigarh, on instructions from ASI Sunil Kumar, has informed the Court that there has been non-compliance of the order dated 25.1.2023, wherein the Coordinate Bench had extended the interim order dated 26.7.2022 by making the following observations :-

“Counsel appearing on behalf of the complainant submits that even now he is ready to make payment of the balance amount but it is for the opposite party to execute and get registered the sale deed in his name and for that purpose, original title deed is required to be produced by the accused persons/petitioners.

On this, counsel appearing on behalf of the petitioner submits that even the petitioners are ready to perform their part of the agreement and it is further submitted that the original title deed was lost and with regard to the same, report was lodged with the police on 5.2.2014. He has further submitted that the petitioners are ready to make statement by way of affidavit to the effect that the house in question is not lying mortgaged with any private person or financial institution and that they have not availed any loan against the said property, in case the complainant is ready to make balance payment

as per agreement in question. Needful be done by both the parties before the next date fixed in the present petition.

Now be listed on 26.5.2023.

Interim order to continue.”

3. Learned counsel appearing for the petitioners has not been able to dispute that the petitioners did not appear before the Sub-Registrar, Chandigarh, for getting the remaining formalities completed. However, he submits, that a civil suit had been filed. Be that as it may, mere filing of a civil suit cannot be a ground to extend the extraordinary concession of anticipatory bail to the petitioners, more so, since the interim order staying their arrest had been made subject to an undertaking given by, none other, than the petitioners themselves.

4. In view of the facts and circumstances, as enumerated hereinabove, both the petitions, as such, are dismissed.

5. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

14.12.2023
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Whether speaking / reasoned Yes / No

Whether reportable Yes / No