



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54087-2024
DECIDED ON: 29.10.2024

PARDEEP KUMAR
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. IPS Mangat, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.07, dated 19.01.2024, under Sections 406, 420, 120-B IPC, registered at Police Station Nayagaon, District SAS Nagar, Mohali.

2. Brief Facts

Brief facts of the present case are that Kulbir Singh (complainant) agreed to buy a 6-marla plot in Village Karora, Naya Gaon, from Pardeep Kumar (the present petitioner) for Rs. 21,60,000/-, facilitated by Krishan Kumar Billa, Jagtar Singh, and Sukhjeet Singh and Rs. 5 lacs was paid as earnest money and the sale deed was to be executed on or before 05.08.2023. However, after discovering that the said plot was disputed, the agreement was mutually cancelled on 12.06.2023. The petitioner issued a

cheque to refund the earnest money of Rs. 5 lacs, however, the same got dishonoured on presentation, leading to the filing of the present FIR.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the present FIR has been registered after an inordinate delay of 6 months wherein the agreement to sell was executed by the petitioner on 04.05.2023 and the complainant paid Rs.5 lacs as earnest money to the petitioner but on one pretext or the other the complainant kept on extending the date for the registration of the said property. He further submits that on 28.06.2023, the petitioner has paid Rs.2.50 lacs to the complainant after withdrawing the same from his mother's account, which is proved by account statement attached as Annexure P-5. Further he submits that the petitioner to show his bona fide has paid again Rs.50,000/- to the complainant in Court by way of demand draft.

On behalf of the State

Learned State Counsel appearing on advance notice, opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner along with other persons has duped the complainant of lacs of rupees and the same is to be recovered, therefore, seeks his custodial interrogation.

4. **Analysis**

Be that as it may, considering the fact that the present dispute is of civil nature wherein criminal liability has been fastened upon the petitioner. Moreover, he states that he has paid back Rs.3 lacs to the petitioner, this Court finds no reason to deny the concession of anticipatory

bail to the petitioner at this stage, wherein the petitioner has shown his bona fide by returning the amount and is now ready and willing to surrender before the Investigating Agency to facilitate furtherance of investigation.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

29.10.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No