



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CRM-M- 45587-2024

Date of decision:23.05.2025

Saroop Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harpreet Singhb Multani, Advocate
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

Mr. Karan Sachdeva, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 93 dated 24.05.2024 registered under Sections 406, 420, 120-B, IPC registered at Police Station Sadar Nabha, District Patiala.

2. As per the allegations, the complainant-Khushal Kumar had entered into an agreement to purchase one house measuring 420 sq. Yards owned by the present petitioner for sale consideration amounting to Rs.32,00,000/-. A written agreement was executed. The complainant had paid an amount of Rs.10,00,000/- to the petitioner at a time of execution of agreement on 09.05.2019. As per the terms of agreement, the sale deed was to be registered on or before 07.05.2020. The period for registration of the sale deed was, however, kept on extending and lastly, it was extended for



15.07.2022. The complainant alleged that the petitioner and the co-accused who are members of one family had refused to execute the sale deed in his favour and had rather extended threats to him. The complainant further alleged that he had come to know that the petitioner and co-accused were in the habit of cheating other people as well in the same manner and as such he prayed for taking action in the matter. On the basis of the complaint lodged by the complainant, FIR was registered. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Patiala vide order dated 14.08.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The dispute between the parties is of civil nature which has been given a criminal cloak. The possession of the house which was to be purchased by the complainant had been given to him. In fact, dispute between the parties was with regard to a plot measuring 100 sq. yards which was adjoining the house of the petitioner. The complainant was not ready and willing to pay the market price of the said plot. He paid only a sum of Rs.22,75,000/- and not the remaining amount of the sale consideration. It was not on account of any fault of the petitioner that sale deed could not be executed. No case for commission of offences of cheating and criminal breach of trust, is made out. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned DAG,



Punjab assisted by learned counsel for the petitioner that there are specific and serious allegations against the petitioner. After filing of the complaint, a thorough and detailed enquiry was conducted and it was revealed that the petitioner along with his family members had received an amount of Rs.22,75,000/- from the complainant for sale of his plot as well as house. He had also agreed to repay the loan amount which was outstanding against the same property. However, neither the same was paid nor sale deed was executed in favour of the complainant. The fact that this property was lying marked had been concealed from the complainant which reflects the dishonest intention of the complainant. He has caused wrongful loss to the complainant. No extraordinary and sparing circumstance for grant of pre-arrest bail is made out from his favour. With these broad submissions, it is urged that the petitioner does not deserve to be given benefit of pre-arrest bail.

5. Learned counsel for the parties have been heard at considerable length.

6. Petitioner was admittedly owner of the property in question. It is also not in dispute that he had executed an agreement to sell his house as well as plot to the complainant. The complainant is in possession of that house. However, it is also revealed that the petitioner failed to repay the amount of loan availed against the property to be purchased by the complainant and also did not execute any sale deed in his favour. Simply by handing over possession, he cannot be assumed to be absolved of his liability. The allegations against the petitioner are specific in nature. The case of co-accused who have been extended benefit of pre-arrest bail cannot



be stated to be at parity with the petitioner as allegation against him are grave and specific in nature. Given the nature of the allegations, the custodial interrogation of the petitioner is must. Even otherwise, while assuming that the custodial interrogation is not required, still no extraordinary and exceptional circumstance of such nature is made out on the basis of which it can be stated that he deserves to be given concession of pre-arrest bail. In view of this discussion, this court is of the opinion that the petition does not deserves to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

23.05.2025
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |