



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-54887-2024

Date of decision: February 3rd, 2025

Gurpal Chouhan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurvinder Singh Mehra, Advocate
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.162 dated 05.05.2024 under Sections 406, 420 of the IPC registered at Police Station Zirakpur, District S.A.S. Nagar (Mohali).

2. Mr. Gurjinder Singh, Advocate, has entered appearance on behalf of the complainant and filed his power of attorney, which is taken on record.

3. Vide order dated 06.11.2024, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that it is essentially a dispute of civil nature between the parties which is evident from the fact that an agreement to sell was entered into between the petitioner and the complainant pertaining to the petitioner's house on 25.02.2023 for which he was paid an earnest amount of Rs.2,80,000/-. The sale deed was to be executed on

30.06.2023 after payment of the remaining sale consideration. The complainant, however, was unable to arrange for the remaining sale consideration and thereafter on the request of the complainant himself another agreement to sell (Annexure P-3) was executed between the parties. The complainant was again not able to arrange for the sale consideration nor did he appear on the designated date before the Tehsildar concerned for execution and registration of the sale deed in his favour.”

4. Learned counsel for the petitioner submits that in compliance of order dated 06.11.2024, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions from S.I. Kuldeep Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for his custodial interrogation. Learned counsel has submitted that however, the earnest amount has wrongly been recorded as ₹2,80,000/-, whereas it was in the sum of ₹4 lakh.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. In view of the above, the petition is allowed and interim order dated 06.11.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C./482(2) BNSS.

February 3rd, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No