

Sr. No.105

CRM-M-30015-2023

Karamjeet Kaur vs. State of Punjab

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Present : Mr. S.P.S.Ahluwalia, Advocate
for the petitioner.

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Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in FIR No.92 dated 24.03.2023, under Sections 406 and 420 IPC, registered at Police Station Tripuri, District Patiala (Annexure P-1).

Learned counsel for the petitioner submits that dispute is with regard to execution of agreement to sell dated 21.08.2021 (Annexure P-2). The petitioner is not denying the agreement. The dispute arose when the petitioner failed to get the land partitioned. It is further submitted that the possession of the land was already given to the complainant party. The co-sharers have also sold part of the joint land. Even Certificate is issued by PUDA to the purchaser of the land from co-sharer. It is further submitted that the only right given to the purchaser/complainant was to reschedule the date of sale deed in case land was not partitioned. Even compromise was effected in the Panchayat. The dispute is only of civil nature.

Notice of motion.

Pursuant to advance notice, Mr. Sarabjit Singh Cheema, DAG, Punjab has put in appearance on behalf of the respondent-State.

Mr. K. D. Sachdeva, Advocate has also appeared on behalf of the complainant.

The dispute is regarding agreement to sell dated 21.08.2021

(Annexure P-2). One of the stipulation in the agreement reads as under :-

“...I am obligated to have the registry of the said share of my property be transferred under the name of buyers after having the same partitioned prior to the specified date. If I am rendered incapable of partition of the above property by the specified date or if I am unable to have the same be registered due to some legal hindrance, then I am obligated to have the specified date be rescheduled to that extent.”

The parties agree that the matter can be settled before the appropriate Forum. So, the dispute is referred for mediation. The parties are directed to appear before the Mediation and Conciliation Centre functioning in this Court on 06.07.2023.

To await the report of Mediator, adjourned to 28.07.2023.

In the meantime, no coercive action shall be taken against the petitioner.

June 08, 2023

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**(GURBIR SINGH)
JUDGE**