

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

1. CRM No.M-12143 of 2015 (O&M)

Date of decision: 24.04.2015

Prateek Satija

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM No.M-12227 of 2015 (O&M)

Date of decision: 24.04.2015.

Gulshan Rai

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Hemant Bassi, Advocate for the petitioners.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Dhiraj Chawla, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.12143 of 2015 titled as Prateek Satija Vs. State of Punjab and CRM No.M-12227 of 2015 titled as Gulshan Rai Vs. State of Punjab as both these petitions have been filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioners in case FIR No.37 dated 26.02.2015, under Sections 406/420/120-B IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali.

While issuing notice of motion on 15.04.2015, the following

order was passed by this Court in CRM No.M-12143 of 2015:

“Learned counsel for the petitioner inter alia submits that no money at all was taken by the petitioner or his father, from either the complainant or the vendors of the land, i.e. Balbir Kaur, Kamaljit Kaur and Balwinder Kaur. Even as per the allegations, the petitioners' father, in his capacity as authorized signatory of M/s Umesh Developers Pvt. Ltd., signed an agreement stating that the company would refund Rs.1.75 crores to the complainant or, in the alternative, execute a sale deed of 3 bighas in their favour.

Mr. Bassi further submits that if that agreement was not honoured, the matter is purely is civil in nature with no criminal connotation in view of the fact that no money was received by the petitioner in any manner.

Notice of motion be issued to the respondent, returnable on 24.04.2015.

In the meanwhile, in view of the above, in case the petitioner is sought to be arrested, he would be released on bail to the satisfaction of the investigating officer/Illaq Magistrate, subject to his complying with the provisions of Section 438(2) of the Cr.P.C.”

Likewise, notice of motion was issued on 17.04.2015 in CRM No.M-12227 of 2015 and the following order was passed:

“Counsel would inter alia contend that co-accused, Prateek Satija against whom there are identical allegations has been granted interim protection as regards arrest by this Court in the light of order dated 15.04.2015 passed in CRM No.M-12143 of 2015.

Notice of motion, returnable for 24.04.2015.

To be listed along with CRM No.M-12143 of 2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438

(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Darshan Singh would apprise the Court that both the petitioners have since joined investigation.

During the course of hearing today, it has gone uncontroverted even by counsel appearing for the complainant that a suit for specific performance has been instituted by the complainant in respect of the land in question and in which the present petitioners apart from the original owners have been arrayed as party defendants and such suit is pending adjudication.

Under such circumstances, custodial interrogation of the petitioners would not be warranted as they have joined investigation.

Petitions are allowed.

Order dated 15.04.2015 passed in CRM No.M-12143 of 2015 and order dated 17.04.2015 passed in CRM No.M-12227 of 2015 are made absolute.

Disposed of.

24.04.2015
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE