

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

**CRM-M-16313 of 2015
Date of decision : 22.07.2015**

Kulwant Singh

..... Petitioner

Versus

The State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Harinder Singh, Advocate for petitioner.
Mr. Jashanpreet Singh, AAG, Punjab.
Mr. Vikas Gupta, Advocate for complainant.

DARSHAN SINGH, J. (Oral)

The present petition has been filed by petitioner under Section 438 of the Code of Criminal Procedure, 1973 for grant of the anticipatory bail in case FIR No.88 dated 27.03.2015, under Sections 420, 467, 468 and 471 of the Indian Penal Code, registered at Police Station Patti, Distt. Tarn Taran.

2. As per the prosecution allegations, the petitioner extorted a sum of Rs.6,00,000/- from the complainant to get the land of Raman Kumar, residing in U.S.A., transferred in the name of the father of the complainant but later on the said land was sold to one Balbir Kaur by the landlord himself.

3. On the last date of hearing, the following order was passed : -

“Learned counsel for the petitioner states that there is no document to support the alleged payment of Rs.6 lacs by the complainant to the accused. In fact, the petitioner has only taken a loan of Rs.50,000/- from the father of the complainant against a pronote. He further contended that Raman Kumar original owner has transferred the land in favour of Balbir Kaur, who is not related in any manner to the petitioner.

Notice of motion 22.07.2015.

In the meanwhile, in the event of arrest of the petitioner, he will be admitted to the interim anticipatory bail on furnishing bail bonds to the satisfaction of the Arresting Officer on the conditions that he will join the investigation as and when required by the Investigating Officer, that he will not directly or indirectly tamper with the prosecution evidence and that he will not leave India without the prior permission of the Court.”

4. Learned counsel for the petitioner contends that the petitioner has already joined the investigation. There is no proof that any money was paid to the petitioner by the complainant. In fact the petitioner has only taken a loan of Rs.50,000/- from the father of the complainant against a pronote.

5. Learned State counsel on the instructions of ASI Manmohan Singh, Police Station Patti, has stated that the petitioner has already joined the investigation and has been sufficiently interrogated. The Investigating Officer has also very fairly conceded that there is no documentary evidence to show the payment of any money by the complainant to the accused.

6. Thus, as the petitioner has already joined the investigation and is not required for any custodial interrogation, so his detention will

not serve any purpose.

7. Consequently, the present petition is hereby allowed and the order of interim anticipatory bail dated 18.05.2015 is hereby made absolute subject to the conditions that the petitioner will join the investigation as and when required by the Investigating Officer; that he will not directly or indirectly tamper with the prosecution evidence; that he will not leave India without the prior permission of the trial Court.

22.07.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**