

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-27202 of 2015

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Date of decision:29.9.2015

Tarsem Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. G.B.S. Dhillon, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Khugra Mahajan, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.65 dated 19.6.2015 registered
for the offences under Sections 420, 465, 467, 468 and 471 IPC at Police
Station Mehta, District Amritsar Rural.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
has put in appearance on behalf of the respondent-State and Mr. Khugra
Mahajan, learned Advocate has appeared on behalf of the complainant and
contested this petition.

I have heard learned counsel for the parties and have gone
through the record.

From the record, I find that in the present case, the FIR has been registered on the basis of application filed by the complainant-Kundan Singh, who mainly stated that a fraud has been played with him by putting his thumb impressions on three sale deeds without giving money to him and regarding committing fraud of ₹98,80,000/- and for taking action against Tarsem Singh.

From the perusal of the record, I find that as per prosecution version, agreement to sell has been entered on 19.2.2014 for 4½ acres of land, which is stated to have been scribed on 20.2.2014. The allegations are that the agreement to sell was for ₹1,05,00,000/-, but no original agreement was given to the complainant by the accused. As per the arguments of the learned counsel for the petitioner, it was only for ₹60 Lacs. The learned counsel for the petitioner also shown me the original agreement in the Court. The dispute is that the sale deeds have not been registered as the complainant objected that the money has not been paid.

The petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 17.8.2015 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so

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and shall abide by the conditions of Section 438 (2) Cr.P.C.

September 29, 2015.

(Inderjit Singh)
Judge

hsp