

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

CRM-M-29507 of 2015
Date of decision : 03.11.2015

Ramanpreet Singh

...Petitioner (s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manuj Nagrath, Advocate for the petitioner (s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by HC Palwinder Singh.

Mr. R. K. Dhingra, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in a case FIR No.74, dated 15.07.2015, registered under Sections 419, 420, 467, 468, 471, 120-B of the Indian Penal Code (for short 'the IPC'), at Police Station Haibowal, District Ludhiana.

The learned counsel for the petitioner contends that the petitioner is victim at the hands of the complainant, in fact he is the owner in possession of the property in dispute. The petitioner did not enter into any agreement with the complainant nor signed any document. With regard to same land, civil suit was preferred by the petitioner and the same stands

decreed by the competent Court vide judgment dated 20.04.2015, which has attained the finality.

On the other hand, the learned State counsel submits that though the petitioner has joined the investigation but he is not cooperating with the investigating agency. However, the learned State counsel has not been able to demonstrate that the petitioner is not the owner of the property; that the petitioner is in fact had entered into an agreement with the complainant and the assertion made by the learned counsel for the petitioner with regard to decree passed by the competent court in the civil suit dated 20.04.2015 is against the record.

The learned counsel for the complainant states that the petitioner had assured the complainant that the transaction will materialise.

Keeping in view the fact that the petitioner is not the owner of the land and the fact that there is no evidence on record which suggests that the petitioner is signatory of the agreement, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 02.09.2015/05.10.2015, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

03.11.2015

ashok

**(JITENDRA CHAUHAN)
JUDGE**