

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-3372-2015

Date of decision: 19.03.2015

Jit Singh @ Harjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE R.P. NAGRATH

PRESENT: Mr. BS Bhalla, Advocate for the petitioner.

Mr. Gazi Mohd., DAG, Punjab.

R.P. NAGRATH, J. (ORAL)

This petition under Section 438 Cr.P.C. has been filed by the petitioner seeking anticipatory bail in FIR No. 5 dated 27.12.2014 registered under Sections 420/465/468/471/379/120-B of the Indian Penal Code (IPC) at Police Station NRI, District Ferozepur.

When this case was listed on 20.02.2015, following order was passed:-

“The allegations are that Gurdeep Singh had executed power of attorney in favour of his brother-in-law Jit Singh @ Harjit Singh. Gurdeep Singh died on 28.5.2008. It is stated that Harjit Singh who happens to be brother-in-law of the deceased ante dated agreement dated 30.7.2005 on the basis of which Civil Suit was filed in the year 2009, which is still pending. The factum of ante dating the document can be easily verified by the police.

Let the petitioner join the investigation within next four working days and disclose all the facts to the

police. In the event of arrest of the petitioner, he will be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions contained in Section 438(2) Cr.P.C. The petitioner shall also assist the Court in getting the copy of the agreement from the civil Court where it is stated to be filed and if it is not filed in civil Court, he will surrender the same before the police. Police is directed to verify whether the agreement is genuine or antedated.”

On instructions from ASI Gurmej Singh, learned State counsel submits that the petitioner joined investigation on 02.03.2015 and he is no more required for further interrogation. However, it is submitted that during investigation it was found that agreement in question was antedated.

Learned counsel for the petitioner submits that a civil suit with regard to the disputed land based on agreement to sell is pending since 2009 and the present FIR was registered in the year 2014. It is further submitted that even the application for grant of *ad interim* injunction was disposed of on 8.3.2010.

In view of the above and without expressing any opinion on merits of the case, the instant petition is allowed and the interim bail granted to the petitioner vide order dated 20.02.2015 is made absolute and the petitioner shall abide by the conditions as enshrined in Section 438 (2) Cr.P.C.

March 19, 2015
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(R.P. NAGRATH)
JUDGE