

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-42052 of 2015

Date of Decision: December 11, 2015

Harmail Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.S.P.S. Sidhu, Advocate
for the petitioner.

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M.M.S. BEDI, J. (ORAL)

Petitioner seeks the concession of pre-arrest bail in a case registered at the instance of Jasbir Kaur wife of late Sewak Singh alleging that the petitioner connived with others and grabbed the land of Sewak Singh. The allegation against the petitioner is that he had sold the shops belonging to Sewak Singh on the basis of general power of attorney purported to have been executed by Sewak Singh in favour of the petitioner during his life time.

A perusal of the petition indicates that the petitioner is not residing in India. He has filed the present petition on the basis of a power of

attorney executed in favour of Advocate in Canada and attested by Notary Public. It also transpires that the petitioner has not filed any application for pre-arrest bail before the Sessions Court.

Counsel for the petitioner submits that the petitioner may be granted protection as he intends to return to India to join investigation.

Since counsel for the petitioner has submitted that he has got instructions to state at bar that the petitioner will return to India within a period of 10 days to avail the legal remedy available to him, in the interest of justice, I deem it appropriate to protect his liberty on his return to India for a period of 10 days so that on his arrival in India he might not be arrested before he could avail the legal right.

Notice of motion to Advocate General, Punjab.

On the asking of the Court, Ms.H.K. Athwal, DAG, Punjab, accepts notice. Copy given.

This petition is disposed of. However, in the interest of justice a direction is issued that the petitioner will not be arrested for next 10 days i.e. till December 21, 2015 on his return to India. Nothing observed in this order will effect the adjudication of the application, if any, filed by the petitioner before the Sessions Court, under Section 438 Cr.P.C.

December 11, 2015
sanjay

(M.M.S.BEDI)
JUDGE