

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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CRM-M-44532 of 2014

Date of Decision: 06.01.2015

Joga Singh @ Yoga Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Deepak Verma, Advocate
for the petitioner

Mr. Sandeep Kumar Bansal, AAG, Punjab
for the respondent-State

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

REKHA MITTAL, J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No. 151 dated 13.10.2014 registered in Police Station City, Shaheed Bhagat Singh Nagar for offence punishable under Sections 420, 120-B of the Indian Penal Code.

Counsel for the petitioner inter alia contends that the instant FIR has been registered by Mukhwinderpal Singh son of Balwant Singh that property against which charge has been created in favour of the bank for obtaining loan was sold by Gurdial Singh in favour of his mother Gurcharan Kaur in December 2010 without disclosing the factum of outstanding liability against said property. It is argued that the petitioner is being indicted in the crime as he stood as guarantor for repayment of loan

obtained by said Gurdial Singh in the year 2001. It is further argued that the petitioner has nothing to do with the transaction of sale entered into between Gurdial Singh and Gurcharan Kaur through her husband Balwant Singh. The petitioner is ready to join investigation and cooperate throughout and his custodial interrogation is not required.

Counsel for the State of Punjab, on instructions from ASI Jarnail Singh, Police Station City, Shaheed Bhagat Singh Nagar has fairly conceded that name of the petitioner does not figure in the sale transaction effected in the year 2010. However, the petitioner is closely related to the main accused namely Gurdial Singh and was aware of the loan transaction creating charge on the property in question.

I have heard counsel for the parties and perused the records.

As per materials collected during investigation, it appears that the present petitioner is not a privy to the sale transaction between Gurdial Singh and Gurcharan Kaur. No recovery is to be effected from the petitioner. He is ready to join investigation and face proceedings in accordance with law.

Without meaning to express any opinion on merits of the controversy, the petition is allowed and the petitioner is directed to join investigation within a period of 10 days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

- i) he shall make himself available for interrogation by a police officer as and when required;
- (ii) he shall not, directly or indirectly, make any inducement,

threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
(iii) he shall not leave India without previous permission of the Court.

In case the petitioner fails to join investigation in compliance with the direction issued by this Court, the petition shall be deemed to be dismissed.

(REKHA MITTAL)
JUDGE

06.01.2015
PARAMJIT