

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

CRM-M No.10227 of 2016

Date of decision: July 13, 2016

Nanak Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Ankur Jain, AAG, Punjab
for the respondent-State.

Mr. Ramandeep Singh, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

This is a petition preferred by the petitioner under Section 438 Cr.P.C. seeking pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No.6, dated January 14, 2016, under Section 420 of the Indian Penal Code, registered at Police Station Jhabhal, District Tarn Taran.

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on March 31, 2016:-

“FIR has been registered on the complaint of one Kulbir Dhillon. Assertion of the complainant is that she had taken a loan of Rs.19.12 lacs from the present petitioner on interest and to secure such loan had executed a sale deed for land measuring 8 kanals 9 marlas in favour of a relative of the petitioner. Further assertion is that an amount of Rs.45,45,500/- has already been returned to the petitioner and thereafter, an agreement to sell dated 15.04.2015 was executed between the relative of the petitioner and son of the complainant for return of the same very parcel of land measuring 8 kanals 9 marlas but such agreement is not being honoured.

Counsel would argue that the allegations on the face of it are improbable. Even as per complainant's version, the loan taken by her was Rs.19.12 lacs approximately and she claims to have returned more than Rs.45 lacs and for which there is no receipt/documentary proof. Counsel further contends that the agreement to sell dated 15.04.2015 set up by the complainant is a forged and fabricated and for which the petitioner is ready and willing to join investigation.

Notion of motion, returnable for 13.07.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”.

Learned State counsel on instructions from ASI Balwinder Singh fairly conceded that in compliance of the abovesaid order, petitioner has already joined the investigation on 10th July, 2016 and has cooperated with the investigating agency. Since the petitioner has already joined the investigation, his further custodial interrogation is not required. Petitioner has undertaken to join the investigation as and when required by the investigating agency.

Taking into consideration the aforesaid submissions and without expressing any opinion on the merits of the case, interim order dated March 31, 2016 is made absolute, and in the event of arrest of the petitioner, he shall be released on bail at the satisfaction of the Arresting Officer.

July 13, 2016
m. sharma

(JASPAL SINGH)
JUDGE