

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 16989 of 2016
Date of decision: 2.8.2016

Jatinder Kumar Prashar

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. GS Jagpal, Advocate.
Ms. Simsi Dhir, DAG, Punjab
Ms. GK Mann, Advocate.

M.M.S.BEDI,J.

The petitioner had been granted the concession of pre-arrest bail vide order dated 5.2.2016 in the FIR, which was registered at the instance of Kamlesh Sharma wife of Ramesh Sharma alleging that an agreement of sale dated 26.7.2010, purported to have been executed by Ramesh Sharma was forged, in order to defeat the rights of the complainant. So far as the petitioner is concerned, he is an attesting witness to the agreement of sale in favour of Sarabjit Singh. The agreement of sale was allegedly executed in favour of Kamaljit Kaur and Sarabjit Singh. A suit for specific performance has already been filed by Kamaljit Kaur and Sarabjit Singh.

After grant of pre-arrest bail to the petitioner, he apprehends arrest as offences u/s 467/468/471 IPC have been added.

Counsel for the complainant has intervened to oppose the petition for pre-arrest contending that there are serious allegations against the petitioner of having connived with other accused to deprive the complainant of her property in connivance with Kamaljit Kaur, who is

acquainted with an Assistant Sub Inspector, who has connived with other accused to grab the property of the husband of the complainant.

I have heard counsel for the parties and gone through the record. It appears that the property has further been sold on receipt of sale consideration. The petitioner having been granted the concession of interim bail in the circumstances of the case, can be granted the relief for the offences, which have been added after the grant of pre-arrest bail to the petitioner, as he is alleged to be an attesting witness to an agreement of sale, which is subject matter of civil suit for specific performance.

The petition is allowed. Interim order dated 17.5.2016 is hereby made absolute and it is ordered that in case of arrest of the petitioner in the added offences, he will be released on bail to the satisfaction of the arresting officer, subject to the condition that he will join the investigation as and when required and will not tamper with the evidence.

August 2 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No