

CRM-M-17980 of 2016 (O&M)

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 202

CRM No.M-17980 of 2016 (O&M)
Date of decision: September 16, 2016

Manjit Singh

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Ashit Malik, Advocate,
for the petitioner(s).

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

Mr. Bijender Dhankhar, Advocate,
for the complainant.

JASPAL SINGH, J.

CRM No.16956 of 2016

Application is allowed as prayed for.

Main Case

1. This petition has been preferred under Section 438 Cr.P.C. for grant of pre-arrest bail in case FIR No.141, dated April 03, 2016, under Sections 406, 420 & 120-B of IPC, registered at Police Station Pehowa, District Kurukshetra.

2. On May 20, 2016, while issuing notice of motion, the following order was passed:

“Prayer is for grant of anticipatory bail to the petitioner in case FIR No.141 dated 03.04.2016, under Sections 406, 420 and 120-B IPC, registered with Police Station Pehowa, District Kurukshetra.

The complainant-Varinder Kaur in the FIR alleges that the signatures of her husband-Tarlochan Singh available on a blank paper procured from the earlier litigation were fraudulently used by the petitioner/accused and his co-accused Daljit Singh in forging and fabricating an agreement to sell dated 24.07.2012 regarding sale of agricultural land measuring 86 Kanals in Village Sandholi. A receipt of Rs.1.14 crores as earnest money out of the total sale consideration of Rs.2.28 crores was incorporated. Thus, the offence of cheating etc. is alleged to have been committed.

It is contended that based on the agreement to sell dated 24.07.2012, a suit for specific performance with consequential relief of possession stands filed by the petitioner-accused on 03.07.2015. In the written statement filed by Tarlochan Singh, the plea of fabrication of the agreement to sell has been asserted and one of the issues involved for adjudication is the authenticity of the agreement to sell dated 24.07.2012. Thus, no offence is made out.

Notice of motion for 17.08.2016.

In the event of arrest, the petitioner shall be released on interim bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer/trial Court. The petitioner shall appear before the I.O., as and when called upon for investigation and shall also be bound by all the conditions stipulated in Section 438(2) Cr.P.C.”

3. Learned State counsel has submitted that the petitioner(s) has joined the investigation and is not required for further interrogation.
4. Moreover, from the order reproduced above, it is evident that civil litigation is pending between the parties and the Civil Court is seized of the matter.
5. Taking into consideration the above facts of the case, the

petition is allowed and order dated May 20, 2016 is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

September 16, 2016

Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No