

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

CRM-M -20124 of 2016 (O&M)
Date of decision: 03.10.2016

Akhtar Ali

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. GN Malik, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab
assisted by HC Jagpal Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.34 dated 05.05.2016, registered under Sections 295-A, 408, 418 and 120-B IPC, at Police Station City-II, Malerkotla, District Sangrur.

On 03.06.2016, this Court had passed the following order:-

“Prayer is for grant of anticipatory bail to accused petitioner Akhtar Ali in case FIR No.34 dated 5.5.2016 under Sections 295-A,408,418,120-B IPC,PS City-II,Malerkotla,Distt.Sangrur.

The allegations are that non applicants accused Abdul Rashid @ Mohd.Rashid fraudulently claimed himself

to be owner in possession of 144 square yards of land recorded as Kabristan based on an alleged oral gift agreement in the year 1962 executed in his favour by one Mohd.Ashraf, who has since migrated to Pakistan. Based on the said oral gift deed, non-applicants accused Abdul Rashid is alleged to have executed two gift deeds dated 7.5.2014 in favour of his co-accused sons Ikhlal Qureshi and Mohd.Abrar transferring half share each of the aforesaid land. Two shops alongwith some vacant area stands constructed on the land in question.

The role attributed to the petitioner accused-Akhtar Ali is that of being one of the attesting witnesses to the subsequent gift deeds dated 7.5.2014. It is contended that similarly situated co-accused has been granted interim protection by this Court.

Notice of motion for 25.8.2016.

In the event of arrest, the petitioner shall be released on bail on furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer. 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.”

It is contended that in pursuance of the order dated 03.06.2016, the petitioner has joined the investigation.

The learned State counsel, on instructions submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide

order dated 03.06.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

03.10.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No