

CRM-M-2260 of 2016

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

Sr. No. 201

CRM-M-2260 of 2016

Date of decision: July 21, 2016

Mukhtiar Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Krishan Singh Dadwal, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

Mr. R.K. Handa, Advocate,
for the complainant.

JASPAL SINGH, J

This is a petition preferred by the petitioner under Section 438 Cr.P.C. seeking pre-arrest bail in case FIR No. 2, dated January 01, 2016, under Sections 419, 420, 465, 467, 468, 471 & 120-B IPC, registered at Police Station NRI, District Hoshiarpur (Annexure P-5).

While issuing notice of motion, following order was passed by a coordinate Bench of this Court on January 21, 2016:-

“Allegations in a nutshell are that the petitioner has impersonated as Darshan Singh and has executed an agreement with Vishal Walia and thereby permitted removal of earth from the land belonging to Darshan Singh and has taken Rs.10 lacs in lieu of such transaction.

Counsel would inter alia contend that the petitioner had

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already instituted a suit for declaration pertaining to receipts dated 12.12.2014 and 20.6.2015 to be illegal, null and void and which were stated to have been executed by the present petitioner in favour of Darshan Singh and Vishal Walia. It is contended that the present F.I.R has been lodged later in point of time and is a counter blast to the civil proceedings that stood already initiated at the hands of the present petitioner.

Notice of motion, returnable for 7.4.2016.

Petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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.”

On instructions from ASI Balwinder Singh, learned State counsel has submitted that in compliance of order dated January 21, 2016, petitioner has joined the investigation and even subsequent thereto in compliance of order dated April 07, 2016, petitioner has already appeared before the learned Jurisdictional Magistrate on April 25, 2016 and has given his specimen handwriting & signatures for comparison purpose.

Since the petitioner has already joined the investigation and has complied with the orders dated January 21, 2016 & April 07, 2016 by way of giving his specimen handwriting & signatures for the purpose of comparison and is no more required for further investigation.

Taking into consideration the above facts of the case, interim order dated January 21, 2016 is made absolute, subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

July 21, 2016

Sham/Ankur

(JASPAL SINGH)
JUDGE