

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

**CRM-M No.24661 of 2016 (O&M)
Date of decision: September 19, 2016**

Jagdish Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. S.S. Gill, Advocate with
Ms. Manjit Kaur, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab assisted by
Mr. Aman Dhir, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

By virtue of the instant petition preferred under Section 438 of Code of Criminal Procedure by Jagdish Singh, feeling apprehension of his arrest in case FIR No.14 dated 14.01.2016, under Sections 420, 406, 120-B IPC (subsequently, during investigation of the case offence under Section 24 of Immigration Act has been added) registered at Police Station Zirakpur, District SAS Nagar, Mohali.

At the time of issuance of notice of motion by this Court on July 23, 2016, the following order was passed:-

“Learned counsel for the petitioner has inter-alia contended that the petitioner has nothing to do with the affairs of Rupinder Singh Gill. However, there was some transactions of agreement to sell in between respondent No.2 with Rupinder Singh Gill, who is real brother of the petitioner. Even Jaswinder Kaur wife of complainant-Sukhwinder Singh has also preferred a suit seeking possession by way of specific

performance of agreement to sell dated December 01, 2014. But subsequent thereto, petitioner being brother of Rupinder Singh Gill has been falsely involved in this case by twisting the fact.

Notice of motion for 19.09.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under section 438(2) Cr.P.C”.

Undoubtedly, the petitioner has already joined the investigation on 29th July, 2016. During the course of arguments, learned State counsel assisted by Mr. Aman Dhir, Advocate has submitted that there are some other cases pending against the petitioner and he has duped to the tune of Rs.7.00 lacs to the complainant.

This Court has considered the various submissions made by learned counsel for the petitioner as well as the State.

Since the petitioner has joined the investigation and further that there is some civil dispute in respect of agreement to sell dated December 01, 2014 on the basis of which Jaswinder Kaur wife of the complainant has already preferred a civil suit for specific performance.

Taking into consideration the above facts of the case, interim order dated July 23, 2016, is made absolute, subject to the conditions, as envisaged under section 438(2) Cr.P.C and shall enure during the pendency of the trial.

September 19, 2016
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned
Whether Reportable

Yes/No
Yes/No