

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

Criminal Misc. No. M-25783 of 2016

Date of Decision:-01.09.2016

Mohammad Gulzar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.78 dated 1.6.2016, under Sections 419, 420 and 120-B IPC, registered at Police Station City-1, Malerkotla.

Learned counsel for the petitioner states that the allegations against the petitioner are that he witnessed the gift deed executed by Mohd Bashir in favour of Mohd. Yakub (who is son of Mohd. Bashir). The case has been registered at the instance of Sharifan, who is widow of Mohd. Bashir. The document i.e. the gift deed is also subject matter of civil proceedings before the Civil Court and during the civil proceedings only it can be established that as to whether Mohd. Bashir has executed the gift deed in favour of Mohd. Yakub or otherwise. However, he submits that pursuant to order dated 01.8.2016, the petitioner has joined the

investigation.

Learned State counsel, who is assisted by ASI Major Singh, has stated that though in terms of the above order the petitioner has joined investigation but the original gift deed is required to be recovered from the petitioner.

I have heard learned counsel for the parties.

The petitioner is a witness to the gift deed, therefore, the recovery of the gift deed, if any, can be made from the beneficiary, namely, Mohd. Yakub. Whether Mohd. Bashir has executed the gift deed, is a matter of trial including the civil proceedings. Therefore, in view of the above, the present petition is allowed and interim directions issued by this Court vide order dated 01.8.2016 are made absolute.

However, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

It is made clear that any expression made herein above shall not be construed as an expression of opinion on the merits of the case and the parties shall not derive any benefit of this order even in civil proceedings.

September 01, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No