

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

CRM-M-27469-2016 (O&M)

Date of decision : 18.11.2016

Satwinder Singh @ Rubi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by Sr. H.C. Gurvinder Singh.

Mr. Rahul Rampal, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.75 dated 27.05.2016, registered under Section 420 read with Section 34 of the Indian Penal Code, at P.S. Canal Colony, Bathinda.

Learned counsel for the petitioner contends that he has no dispute whatsoever with the complainant. The petitioner, the complainant and one Rakesh Kumar jointly purchased land from one Mukesh Kumar, who was the attorney of Fateh Singh and others, the original owners. Out of the said land, the petitioner had 50% share, while the complainant and Rakesh Kumar had 35% and 15% respectively. The petitioner and Rakesh Kumar sold their share which was to the extent of 65% of the the total land purchased by the year 2007. The dispute, if any, is between the complainant and Mukesh Kumar, attorney of Fateh Singh and others. Earlier also, the complaint moved by the complainant against the present petitioner was got

inquired into 6-7 times, but no incriminating evidence was collected against the petitioner in any of the inquiries. The petitioner has joined the investigation in pursuance of the orders passed by this Court.

On the other hand, learned counsel for the complainant has opposed the instant petition. It is averred that a sale deed dated 22.06.2007 with regard to land measuring 1268 square yards was executed in favour of the complainant but he has not been put in possession of the same till date. Furthermore, the complainant has been cheated by selling the portion of land comprising of parks and streets.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

Keeping in view the fact that the dispute is primarily of civil nature; the petitioner has joined the investigation and he is not required for custodial interrogation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 05.10.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

18.11.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No