

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

CRM No.M-32096 of 2015 (O&M)

Date of decision : 01.04.2016

Amarjit Singh and another

... Petitioners

Vs.

U.T. Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Navkiran Singh, Advocate for the petitioners.
Mr. Rajiv Sharma, Advocate for U.T. Chandigarh.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.234 dated 30.06.2015, under Sections 420/120-B IPC, registered at Police Station Sector 36, U.T. Chandigarh.

While issuing notice of motion on 21.09.2015, the following order was passed by this Court:

“Prayer is for grant of anticipatory bail to the petitioners i.e. husband and wife in case FIR No.234 dated 30.06.2015 for offence punishable under Sections 420 and 120-B IPC registered with Police Station Sector 36, Chandigarh.

As per the allegations, the petitioners by refusing to execute the sale deed as also not being owners on the date of entering into agreement to sell are alleged to have thus committed a fraud with the complainant-Property Dealer.

It is contended that from the reading of the FIR, no offence is made out as the dispute is essentially of civil

nature, apart from the fact that it is a counter blast to the FIR lodged against the complainant at the instance of the petitioner through the process of this Court.

Notice of motion for 20.10.2015.

In the meanwhile, in the event of their arrest, petitioners shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, they shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438(2) Cr.PC.”

Learned counsel appearing for U.T. Chandigarh would apprise the Court that the petitioners have since joined investigation. However, he submits that specimen signatures of the petitioners are required to conduct a thorough probe and investigation in the matter.

Counsel appearing for the petitioners submits that the petitioners are ready and willing to furnish the specimen signatures but contends that the Investigating Agency is playing a partisan role and siding with the complainant.

Without making any observations on merits and keeping in view the fact that the petitioners have otherwise joined investigation, they are held entitled to the concession of anticipatory bail.

Accordingly, petition is allowed. Order dated 21.09.2015 passed by this Court is made absolute.

It is, however, made clear that it would be open for the Investigating Agency to approach the Illaqa Magistrate concerned by filing requisite application insofar as getting the specimen signatures of the petitioners are concerned and in the eventuality of any such

application being filed, the petitioners would be obligated to appear before the Magistrate for furnishing their specimen signatures.

Needless to mention that in case the petitioners do not cooperate in such exercise, it would be open for the Investigating Agency/ complainant to apply for cancellation of concession of pre-arrest bail having been granted.

Disposed of.

01.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**