

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-32877 of 2015 (O&M)
Date of Decision: 11.05.2016

Gurwinder Singh Gill

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. B.R. Rana, Advocate for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

Mr. Rajvir Singh, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.48 dated 25.8.2014 under sections 406, 420, 467, 468, 471 and 120-B I.P.C, registered at Police Station, Kathgarh, District S.B.S. Nagar.

On 28.9.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and there is no allegation against him. The allegations are levelled against father of the petitioner, namely, Gurdial Singh, who was released on anticipatory bail. As per allegations, Dharam Pal entered into an agreement to purchase dated 13.12.2012 with Gurdial Singh. Learned counsel also submits that said Dharam Pal forged another agreement to sell for the same land on the same date and only the amount has been changed. A wrong finding has been given by the lower Court while declining the bail to the petitioner whereas the father of the petitioner was alive at the time of agreement to sell i.e., 13.12.2012 and he expired on 04.07.2015. Nothing is to be recovered from the

petitioner and he is ready to join investigation. The petitioner has not been declared proclaimed offender.

Notice of motion for 16.11.2015.

Meanwhile, the petitioner is directed to join investigation and in the event of arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Hussan Lal would apprise the Court that the petitioner has since joined investigation.

That apart, counsel for the petitioner/accused as also for the complainant are *ad idem* that a compromise has been effected between the parties and in pursuance thereto a sale deed pertaining to land measuring 8 kanals has been executed by the petitioner in the name of mother of the complainant on 4.5.2016.

Under such circumstances, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 28.9.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.05.2016
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