

CRM-M-38260 of 2016 (O&M)

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.208

CRM No.M-38260 of 2016 (O&M)
DECIDED ON: November 28, 2016

Harbhinder Kaur and another

..PETITIONERS

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harminder Singh, Advocate,
for the petitioners.

Mr. Bhavna Gupta, DAG, Punjab.

JASPAL SINGH, J.

Through the instant petition preferred under Section 438 Cr.P.C., petitioners have sought pre-arrest bail, feeling apprehension of their arrest, in case, FIR No.91, dated September 21, 2015, under Sections 420 & 120-B IPC, registered at Police Station City, Malerkotla-I, District Sangrur.

2. Learned counsel for the petitioners contends that dispute between the parties is of civil nature. Complainant has already filed civil proceedings against the petitioner, which are pending adjudication. The

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entire case is based upon the documentary evidence. The ownership of the land sold by the petitioners is not disputed by the complainant. The petitioners have sold their shares in the land. Petitioners are ready to join the investigation and abide by all the terms & conditions imposed upon them, in case, they are released on interim bail.

3. On the other hand, learned State counsel has opposed the instant petition by submitting that petitioners were granted interim relief by the courts below but they did not join the investigation. The custodial interrogation is required to take into possession the site plans prepared/forged by them. The instant petition deserves to be dismissed.

4. This court has given an anxious thought to the rival submissions made by learned counsel for the parties and gone through the record available on file.

5. The instant FIR has been registered on the basis of statement of Yadwinder Nath, Director Somsons Colonizers Limited, Panchkula, who alleged that his company carved out an approved colony on Dhuri Road, Malerkotla and sold plots to various persons. The commercial area of the colony adjoins the Dhuri Road and Thandi Sarak. The same is in possession of the complainant's company. Petitioners have prepared false site plans of the land measuring 1020 square yards of the approved colony and executed two sale deeds in favour of other co-accused.

6. Earlier interim bail was granted by the Sessions Court, Sangrur vide order dated April 21, 2016, but they did not join the investigation. Though, other co-accused had joined the investigation but he did not cooperate.

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7. In the case in hand, petitioners did not comply with earlier order of interim bail and did not join the investigation. The custodial interrogation of the petitioners is necessary to un-earth all the ramifications involved in this case.

8. In the light of above, this court is of the considered view that it is not a fit case to exercise the powers envisaged under Section 438 Cr.P.C. in favour of the petitioners.

9. Consequently, instant petition stands dismissed.

November 28, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No