

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

CRM No.M-3762 of 2015 (O&M)

Date of Decision: 11.02.2016

Rattan Singh @ Rachan Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. N.S. Diwana, Advocate for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab.

....

TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.155 dated 27.11.2014, under Sections 420/406/120-B IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Counsel for the petitioner at the very outset brings to the notice of this Court that during the pendency of the present petition, petitioner No.1, namely, Rattan Singh @ Rachan Singh has expired. Resultantly, the present petition qua petitioner No.1 has been rendered infructuous.

On 06.02.2015, while issuing notice of motion, the following order was passed by this Court:

“Learned counsel for the petitioners submits that the land of petitioner No.1 was to be purchased by co-accused Bhag Singh and he issued two cheques, which were dishonoured and proceedings under Section 138 of the Negotiable Instruments Act are pending. Learned counsel also submits that said Bhag Singh got the amount after execution of sale deed. Learned counsel also submits that the petitioners have been cheated by said Bhag Singh. Bhag Singh has

*approached this Court by way of filing **Criminal Misc. No. M-307 of 2015**, wherein, notice of motion has been issued for 12.02.2015.*

Notice of motion for 12.02.2015.

However, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating Officer. They 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 petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii) that the petitioners 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 petitioners shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Supinder Singh would apprise the Court that petitioner No.2, namely, Subedar Jarnail Singh has since joined investigation. It has gone uncontroverted that allegations were primarily against Bhag Singh and Rattan Singh @ Rachan Singh (since deceased). It has also not disputed that Bhag Singh has already been granted concession of anticipatory bail by this Court.

Under Such circumstances, the present petition is allowed.
Order dated 06.02.2015 passed by this Court is made absolute.

Disposed of.

11.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**