

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

CRM No.M-40435 of 2015 (O&M)

Date of Decision: 19.01.2016

Harpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. L.M. Gulati, Advocate for the petitioner.
Ms. Manpreet Dhaliwal, AAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.372, dated 23.10.2015, under Sections 420/464/465/467/468/471/120-B IPC, registered at Police Station Civil Lines Amritsar, District Amritsar.

While issuing notice of motion on 01.12.2015, the following order was passed by this Court:

“Petitioner seeks pre-arrest bail in FIR No.372 dated 23.10.2015 under Sections 420,464,465,467,468,471,120-B IPC registered at Police Station Civil Lines, Amritsar, Distt. Amritsar City.

Learned counsel for the petitioner submits that the fraud, if any, was committed not by the petitioner, but Jatinder Singh son of the complainant. In such a situation, custodial interrogation of the petitioner would not be required.

Notice to Advocate General, Punjab for 19.1.2016.

In the meantime, in the event of arrest, petitioner shall be released on interim anticipatory bail to the satisfaction of arresting/investigating officer, subject to the conditions envisaged under Section 438(2) Cr.P.C. At the first instance, petitioner shall join the investigation on or before 8.12.2015

and cooperate with the investigating agency. The petitioner is also directed to join the investigation, thereafter, as and when required by the investigating agency by issuing a notice under Section 160 Cr.P.C.”

Learned State counsel upon instructions from ASI Satwinder Singh would apprise the Court that the petitioner has since joined investigation. However, the present bail petition is opposed by submitting that certain documents are yet to be recovered.

This Court is of the considered view that custodial interrogation of the petitioner would not be warranted.

Apart from the facts and the observations contained in the notice of motion order having gone unrebutted, perusal of the FIR itself would reveal that the allegations primarily are against Jatinder Singh son of the complainant. Insofar as the present petitioner is concerned, he is stated to be in possession of registered sale deed pertaining to residential property of the complainant and which has been handed over to him by Jatinder Singh.

Mr. Gulati, learned counsel appearing for the petitioner would submit that the petitioner would be ready and willing to return even such registered sale deed provided Jatinder Singh returns the amount of money that he had borrowed and for which purpose such registered sale deed had been deposited towards security.

In view of the circumstances noticed hereinabove, the present petition is allowed. Order dated 01.12.2015 passed by this Court is made absolute.

Disposed of.

19.01.2016

**(TEJINDER SINGH DHINDSA)
JUDGE**