

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

CRM No.M-41498 of 2015 (O&M)

Date of Decision: 19.02.2016

Suraj Kumar MC

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Himanshu Puri, Advocate for the petitioner.

Mr. D.S. Virk, 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 benefit of anticipatory bail to the petitioner in case FIR No.90 dated 09.11.2015, under Sections 380/420/448/506/511/120-B/148/149 IPC, registered at Police Station Bholath, District Kapurthala.

While issuing notice of motion on 08.12.2015, the following order was passed by this Court:

“Learned counsel for the petitioner submits that because of the dispute between the complainant and his son, who is one of the co-accused, the petitioner has been implicated in the case. The son of the complainant has sold the land to one Kulwinder Kaur and that property was further sold to co-accused-Deepak Kumar, who is brother of the petitioner. There was an agreement to sell between Kulwinder Kaur and Deepak Kumar and the petitioner is not party to that agreement to sell. He is not the witness to the agreement to sell also. Said Kulwinder Kaur is also not related to the petitioner in any manner. Neither the petitioner is beneficiary nor he has any concern with the alleged incident. The petitioner is ready to join investigation.

Notice of motion for 12.02.2016.

Meanwhile, the petitioner is ready 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 Inderpal Singh would apprise the Court that the petitioner has since joined investigation and his custodial interrogation would not be warranted.

That apart, the observations contained in the notice of motion order have gone un rebutted.

Accordingly, the present petition is allowed. Order dated 08.12.2015 passed by this Court is made absolute.

Disposed of.

19.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**