

1. CRM-M No.6751 of 2016 (O&M)
Date of decision : 22.12.2016

versus

2. CRM-M No.6685 of 2016 (O&M)

versus

3. CRM-M No.6689 of 2016 (O&M)

versus

State of Punjab Respondent

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. Jaswinder Singh, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This order shall dispose of the above mentioned three petitions.

The petition bearing **CRM-M-6751 of 2016** has been filed for grant of anticipatory bail to the petitioners under Section 438 Cr.P.C. in case FIR No.25, dated 24.01.2016 registered under Sections 420/120-B IPC at Police Station City Khanna, District Ludhiana.

The petitions bearing **CRM-M-6685 of 2016** and **CRM-M-6689 of 2016** have been filed for grant of anticipatory bail to the petitioner(s) under Section 438 Cr.P.C. in case FIR No.220, dated 09.11.2015 registered under Sections 354-B/341/323 IPC at Police Station Sadar Khanna, District Ludhiana.

On 27.04.2016 the following order was passed in **CRM-M-6751 of 2016 :-**

“After hearing the counsel for the petitioners, State counsel as well as the counsel for the complainant, it appears that petitioner No.1 is seeking enforcement of the agreement of sale dated 17.11.2014 whereas the allegation levelled by the complainant Manjit Singh is that the said agreement of sale has been obtained under undue influence and by playing fraud upon the complainant. A copy of the civil suit which was filed by Avtar Singh petitioner No.1 has been brought to the notice of this Court.

On asking of the Court, counsel for the complainant informs that written statement has not yet been filed.

I deem it appropriate to defer the hearing of this case

and to watch the stand of the complainant in the written statement which is yet to be filed.

Adjourned to 12.7.2016.

Interim order will remain operative in the meantime subject to the petitioners again joining investigation on 7.5.2016 and 28.5.2016 or on any other date as required by the Investigating Officer.

Pendency of this petition will not, in any manner, hamper the further investigation in accordance with law by the investigating agency regarding the alleged culpability of the petitioners.”

On 25.02.2016 the following order was passed in **CRM-M-6685 of 2016** and **CRM-M-6689 of 2016** :-

“Learned counsel for the petitioner contends that the trial Court while referring to provisions of Section 41-A Cr.P.C had dismissed the application for grant of anticipatory bail and No notice has been received by the petitioner till date.

Learned counsel further contends that on his oral request, complainant be impleaded as party-respondent. Request is allowed. Complainant namely Mandeep Kaur w/o Manjit Singh is ordered to be impleaded as party-respondent No.2. Amended memo of parties be filed today itself.

Notice of motion for 05.05.2016.

In the meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 Sub-Section 2 Clause (i) (ii) and (iii) of the Code of Criminal Procedure.”

Learned Additional Advocate General, on instructions from H.C. Amar Singh and ASI Baljinder Singh accepts the fact that the petitioner(s) have joined the investigation and are no more required for custodial interrogation.

Learned counsel for the complainant has, however, argued that the petitioner(s) have misled this Court.

Be that as it may, once the prosecution states that they do not require the custodial interrogation of the petitioner(s) the interim orders dated 27.04.2016 and 25.02.2016 are confirmed and the petitions are allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

22.12.2016
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No