

CRM-M-7716-2016

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

**CRM-M-7716-2016 (O & M)
Date of Decision: 16.09.2016**

Surinder Kaur and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. S.S.Swaich, Advocate,
for the petitioners.

Ms. Shivali, Assistant Advocate General, Punjab.

Mr. Naveen Sharma, Advocate,
for respondent No.2.

INDERJIT SINGH, J.

Petitioners, Surinder Kaur and Baljit Singh, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.05 dated 07.02.2016, registered at Police Station Division No.1, Ludhiana City, District Ludhiana, under Sections 420, 406 and 120-B IPC (Section 406 IPC mentioned at the end of FIR, but not in the heading).

Notice of motion was issued in this case. Learned State counsel has appeared on behalf of the respondent-State and respondent No.2 also appeared through his counsel. They contested this petition.

I have heard learned counsel for the petitioners; learned State counsel as well as learned counsel for respondent No.2 and perused the record.

From the record, I find that as per FIR, an amount of ₹1.50

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crores has been paid to the present petitioners as earnest money and sale deed qua land measuring 8 kanals has not been executed.

Complainant's grouse is that even though the agreement to sell was in respect of 08 kanals of land, yet the area at the spot has been found to be less.

As per the order dated 17.03.2016 passed by this Court, the State counsel informed that after verification from the revenue record, it has been found that area at the spot instead of 4840 square yards is actually 4810 square yards.

In pursuance of the order dated 17.03.2016 passed by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. The case is mainly based on documentary evidence. No useful purpose would be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 17.03.2016, granting interim bail to the petitioners, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

16.09.2016

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No