

CRM-M No.8240 of 2016

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

**C.R.M-M No.8240 of 2016
Date of Decision : 03.08.2016**

Amarjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.S. Rana, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.210 dated 05.08.2010, registered under Sections 406, 420 IPC, at Police Station City Khanna.

On 10.03.2016 the following order was passed:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.210 dated 05.08.2010, under Sections 406/420 IPC, registered at Police Station City Khanna, Ludhiana.

Counsel would submit that the genesis of the dispute is an alleged agreement to sell pertaining to land measuring 17 kanals 6 marlas between the complainant and main accused, Amrinder Singh. Insofar as the present petitioner is concerned, he is only stated to be a marginal witness to such agreement to sell and as such was not the beneficiary of the transaction. It is further argued that during the course of investigation, the petitioner was found innocent and the challan was presented qua Amrinder Singh only. Counsel has also placed reliance upon an order dated 17.12.2015 passed by this Court in CRM No.M-23495 of 2015 whereby coaccused, Davinder Singh who was similarly situated as the present petitioner has been granted the concession of anticipatory bail.

Notice of motion, returnable for 01.06.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner states that pursuant to the order dated 10.03.2016 the petitioner has joined the investigation.

Learned Additional Advocate General on instructions from

ASI Gian Singh has accepted this fact and stated that the petitioner is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 10.03.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

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

August 03, 2016
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(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No