

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

CRM-M-12510-2016 (O&M)

Date of decision : 14.03.2017

Vivek Malhotra and another

...Petitioner (s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present : Mr. Jagdish Manchanda, Advocate
for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab

Mr. Anupam Singla, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.0058, dated 20.03.2016, registered under Sections 406, 420 and 120-B IPC, at Police Station Dakha, District Ludhiana.

On 20.10.2016, this Court had passed the following order:-

“Today the learned counsel for the petitioners has placed on record an affidavit of the mother of the petitioners stating that she is owner of the land measuring 11 kanals and 7 marlas and she would offer that land for attachment with the complainant. He further states that the petitioners and their mother would have no objection if the

entire land i.e. 2 acres which was attached earlier and the present land i.e. 11 kanals and 7 marlas is sold by the complainant towards realization of its dues subject to any recovery which may be ordered in the petition filed by the petitioners.

Affidavit and Jamabandi are taken on record as mark 'A' and mark 'B'.

Learned counsel for the complainant states that in principle he would have no objection to this course of action.

Adjourned to 13.03.2017.

In view of the statement of the learned counsel for the petitioners, the pendency of the objections would be no bar to the realization of the complainant of its dues by the sale of the property, subject to any order which may be passed in the objection.”

The learned counsel for the complainant states that the petitioner contrary to the statement made before this Court on 20.10.2016 has moved application before the executing Court that the property does not belong to the judgment debtor.

The learned State counsel submits that in pursuance of the order dated 08.04.2016, petitioners have joined the investigation.

The learned counsel for the petitioners states that he will withdraw the application and ensure the transfer of land as reflected in the order dated 20.10.2016.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated

08.04.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, in case of any violation of the undertaking made by the learned counsel for the petitioners before this Court, the complainant shall have the liberty to revive the present petition.

14.03.2017

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No