

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

CRM M-13764 of 2017 (O&M)

Date of Decision: 13.12.2017.

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. G.B.S. Dhillon, Advocate,
for the petitioner.

Ms. Anju Arora, Addl. AG Punjab
assisted by HC Naveen Kumar.

Mr. B.R. Rana-I, Advocate
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438 Cr.P.C seeking anticipatory bail in case FIR No.84 dated 28.03.2017 registered under Sections 452, 354, 323, 506 and 148 read with Section 149 IPC at Police Station Daba, District Ludhiana.

On 25.04.2017 this Court had passed the following order:-

“Counsel for the petitioner inter alia contends that the present false FIR has been registered at the instance of Harjinder Kaur due to an agreement of sale having been executed by her husband in favour of the petitioner for sale of land who has later committed breach of the terms and conditions of the agreement by refusing to execute the sale deed in favour of the petitioner. It is further submitted that as per the allegations raised by the complainant the petitioner along

with various other persons came to the spot armed with danda and dah but no injury is stated to have been caused to the complainant and another by using those weapons but the injuries are stated to be caused with fist and kick blows. It is further submitted that as per the medico legal examination of the complainant and Gurjot Singh, no mark of injury was noticed and only complain of pain was mentioned. The last submission made by counsel is that custodial interrogation of the petitioner is not required when otherwise he is ready to face the proceedings and co-operate throughout.

Notice of motion for 03.08.2017.

In the meantime, the petitioner shall join the investigation within a period of 10 days. In case, he joins the investigation within the stipulated period, he shall be released on interim bail by the investigating officer subject to the following conditions:-

- (i) He shall join the investigation as and when required by the Investigating Officer.
- (ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (iii) He shall not leave the limits of this country without prior permission of the Court.”

It is contended that in pursuance of the order dated 25.04.2017, the petitioner has joined the investigation.

On the other hand, the learned counsel for the complainant states that after the petitioner was admitted to interim bail, he attacked the complainant twice. In this regard, two DDRs dated 13.06.2017 and 26.07.2017 were recorded by the complainant.

However, learned State counsel informs that no substance was found in the complaints lodged by the complainant, therefore, the same have been ordered to be filed. She further states that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of above, the order dated 25.04.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

13.12.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

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