

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

**CRM-M-27160-2017
Date of decision :23.08.2017**

Jagdev Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. M.R. Chaudhary, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Mr. Vishal Garg, Advocate puts in appearance on behalf of the complainant by filing power of attorney, which is taken on record.

It is submitted by learned counsel for the petitioner that petitioner – Jagdev Singh is neither a signatory to the agreement nor had any benefit under it and he had been involved in this case simply for the reason that he is husband of Baljinder Kaur; that he has already joined the investigation, as such, he be granted pre-arrest bail.

The request is being opposed by learned State counsel as well as learned counsel for the complainant contending that it was he who had received money of ₹27 lacs which was handed over to him by his wife Baljinder Kaur at the time of execution of agreement to sell. Said Baljinder Kaur is absconding, therefore, only the petitioner can tell her whereabouts. Therefore, his custodial interrogation is required.

After hearing rival contentions, I find that admittedly signatures of petitioner are not there on agreement either as attested witness or in any

other capacity. He had not received any money from the complainant in his own capacity. It is for the investigating agency to locate Baljinder Kaur and to arrest her in this case. The petitioner cannot be sent behind bars simply for the reason that his wife is absconding and information is to be extracted from him regarding her whereabouts.

I find it to be a fit case to grant pre-arrest bail to the petitioner, therefore, interim bail granted to the petitioner vide order dated 28.07.2017 is made absolute subject to conditions envisaged under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

(H.S. MADAAN)
JUDGE

23.08.2017

Gaurav Sorot

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**