

CRM-M-40169-2016

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205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40169-2016
Date of decision-16.01.2017

Narinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Bhatheja, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. Vivek Chauhan, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.161 dated 03.10.2016, registered under Sections 419, 420, 465, 467, 468 and 471 of Indian Penal Code at Police Station Sadar, District Ludhiana.

On 23.11.2016, this Court had passed the following order:-

“Post again on 16.01.2017.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1.That he shall make himself available for interrogation by a police officer as and when required;*
- 2.That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3.That he shall not leave India without prior permission of the Court.”*

It is contended that in pursuance of the order dated 23.11.2016, the petitioner has joined the investigation. Learned counsel further states that the property in question was owned by Gurdeep Singh, father of the complainant. The petitioner has purchased the said property on 08.10.2004 against sale consideration of Rs.28,40,000/- which is reflected in Annexure P-2. Though the possession was handed over but the sale deed was not executed. The petitioner is holding the possession. For non-execution of the sale deed, civil suit was filed which was allowed by the order of Civil Judge (Junior Division) Ludhiana dated 24.12.2015 (Annexure P-4), sale deed has now been executed. On the other hand, learned counsel for the complainant submits that in the civil suit, complainant was never served and the judgment (Annexure P-4) is an ex parte judgment. However, complainant had already moved an application for setting aside the Annexure P-4. The land in question was transferred in favour of the complainant in the year 2015. The learned State counsel, submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, and considering the fact that the matter pertains to the year 2004 and the complainant has already filed an application for setting aside order dated 24.12.2015, Annexure-4 and it is not on record as to why the vendor has not come forward to make a complaint, the interim bail granted by this Court vide order dated 23.11.2016, 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.

(JITENDRA CHAUHAN)
JUDGE

January 16, 2017
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No