

Sr. No.207

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-41105 of 2016 (O&M)

Date of Decision: 11.01.2017

Karam Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Naveen Bawa, Advocate,
for the petitioners.

Ms. Harpreet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.152 dated 17.09.2016, under Sections 420/120-B of Indian Penal Code, registered at Police Station Kamboj, District Amritsar Rural.

While issuing notice of motion, the following order was passed by this Court on 17.11.2016:-

“Learned counsel states that in this case the petitioners are alleged to have signed as witnesses. Both the parties have initiated civil litigation against each other.

Notice of motion for 11.01.2017.

In the meantime, in the event of arrest of the petitioners they shall be released on interim bail by the investigating officer subject to the conditions envisaged under Section 438(2) Cr.P.C. The petitioners shall also join the investigation and appear before the investigating officer as and when their presence is required.”

Learned State counsel upon instructions from HC Gurmeet Singh apprises the Court that the petitioners have since joined investigation.

It has also gone uncontroverted that in relation to the same very agreement to sell dated 19.09.2013 and which forms a bedrock of allegations in the FIR, complainant Narinder Singh had already instituted a suit for specific performance in the month of March, 2016. The instant FIR is subsequent in point of time.

Under such circumstances and in view of the fact that the petitioners have joined investigation, their custodial interrogation would not be warranted.

Petition is allowed. Order dated 17.11.2016 passed by this Court is made absolute.

Disposed of.

11.01.2017

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes
No